

## THE ISLAMIC REPUBLIC OF IRAN

*The following comments were received through a communication from the Permanent Mission of the Islamic Republic of Iran. The communication contained the following wording: “The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other International Organizations in Geneva presents its compliments to the Secretariat of the World Intellectual Property Organization and with reference to the decision taken in the seventh session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore held from 1<sup>st</sup>-5<sup>th</sup> November 2004 and as indicated in paragraph 100 of document WIPO/GRTKF/IC/7/15, prov. 2, has the honour to enclose herewith the comments on document WIPO/GRTKF/IC/7/3.”*

### 1. Annex 1, page 6, Principle B9

It is proposed to add the following case in both paragraphs of this Principle a) Measures on the border lines; b) Administrative proceedings and; c) Criminal and Civil Remedies. Accordingly, we may add the phrases “*including Criminal and Civil Remedies*” after the word “... *sanctions and remedies*” in paragraph (a). Similarly, the word “administrative” should be added after “... *civil and criminal proceedings*.”

### 2. Annex 1, page 4, Principle B1 (iv) (a) (Scope of subject matter)

It is proposed to add some Iranian handicrafts such as glassware, carving with chisels and flat weaving to the other forms of expressions. In addition, *handicrafts* have been referred to as one of the forms of expression of folklore. However, this has a general nature and includes various fields of Art and is not a specific single field like other forms indicated. Moreover, in the definitions provided in this paragraph the definitions of tangible and intangible expressions do not suffice. There are different combinations of expressions of folklore that must also be specified.

### 3. Annex 1, page 7, Principle B12 (b)

It is hereby proposed to specifically indicate the necessity of devising a system for exploitation of the common heritage (in the field of folklore) with neighbouring countries within a regional framework. This can be included as an independent paragraph.

### 4. Annex 1, page 2, paragraph (x)

It should be specifically indicated that promotion and protection of artistic expressions should be with due attention to national observations.

### 5. Annex 1, pages 1 & 2, Policy Objectives

In defining the policy objectives, it is necessary to take the following issues into consideration: 1. National sovereignty; 2. National supervision on management of resources of folklore.

### 6. Annex 1, page 6, paragraph B6

The requirements of inclusion of all the limitations as permitted with respect to all IP issues should be deleted because failure to observe such limitations would limit the authority of the States. This provision may be included as a recommendation.

7. Annex 1, page 7, paragraph B10

It is proposed to incorporate the principle of retrospective into the regulations pertaining to protection of Expressions of Folklore to be devised at the national levels.

8. It is proposed to somehow include in the present Annex that no reservations shall be incorporated in the prospective international document to be prepared in the future.