

## SINGAPORE

Response to Question 1 : Information not available.

Response to Question 2 : None available.

Response to Questions 3 to 26 : See response 2.

Response to Question 27 : We have identified a few perceived limitations as follows:

1. Subject matter to be protected?

Traditional knowledge is itself, something that is difficult to quantify or define. This being the case, it would be difficult to assign a proprietary right to Traditional Knowledge.

2. Whom do we attribute the Right (if any) to?

Traditional knowledge refers to a wide spectrum of knowledge transmitted from one generation to another, from one culture to another. Given that this knowledge is an evolving one and not a stagnant, quantifiable and definable base of knowledge, it will be difficult to attribute the knowledge to any particular group of people or place. To that extent, any IPR protection for traditional knowledge which signifies a degree of monopoly confined to the right holder is difficult in practice and thus cannot achieve the objective of safeguarding the rights of attribution.

3. Period of protection accorded to the Right (if any)?

If traditional knowledge is seen as an IPR right that can be obtained, for how long should this protection last? Further, during the term of protection, who would be responsible for maintaining and enforcing the Right?

4. "Use" of traditional knowledge

Further, by its very nature, traditional knowledge is knowledge in the "public domain", albeit that it may be the public domain of a certain sector of culture, place or people. How then does one determine a bad faith use, misappropriation or unfair competition? The objective of IPR protection is also to encourage new intellectual creations or the disclosure of intellectual creations. It is difficult to see how this applies to traditional knowledge since traditional knowledge is knowledge that already exists and known, even if it may be that in certain cases, the knowledge is restricted to a particular sector of people or place.

5. What kind of proprietary Right do we wish to attribute to Traditional Knowledge?

The current IP standards e.g. Copyrights (original works), Patents (novelty), Trade Marks (distinctive) can be seen to protect information either by using

a) inclusionary means e.g. by giving rights to people claiming protection over something that is new, original etc. Since traditional knowledge is not new, this means would not be appropriate; or

b) exclusionary means e.g. by preventing people from claiming rights to information that is not new, original etc. Preventing people from claiming such rights over traditional knowledge in theory could apply. However, in practice, due to the ambiguity (e.g. ownership, lack of proper documentation) that lies in traditional

knowledge, preventing or challenging such claims has proved to be difficult and expensive in practice.