

SWEDEN

Response to Question 1 : As far as we know, case -studies regarding the use of intellectual property rights (IPRs) to protect traditional knowledge (TK) have not been made. In the lack of such studies there is further no collected or structured information on the use of IPRs in this field. Although such examples could exist, we are thus not able to provide any actual examples.

Response to Question 2 : There is no specific law providing for intellectual property protection of traditional knowledge (TK). This is the case as far as no law could be described as particularly aiming at the protection of private property rights covering the intellectual contribution in traditional knowledge and conferring exclusive rights to control the commercial exploitation of that intellectual contribution and safeguard the integrity of and attribution to works.

However, it should be mentioned that the Swedish Constitution (The Instrument of Government, Chapter 1 Section 20) provides for certain legislation regarding the right of the Sami to reindeer husbandry. Existing legislation in this respect is the Reindeer Husbandry Act (Rennäringslagen [1971:437]), which states the sole right for the Sami to reindeer husbandry within certain geographical areas. The character of the reindeer husbandry right could be described as mainly economic and not specifically focused on intellectual property related issues. Due to this there will be no further answers given to the questions in Part II, but rather some general information on the reindeer husbandry Act in the following. A copy of translated parts of the act will also be submitted.

The Reindeer Husbandry Act came into force 1971 and replaced earlier legislation, which also stated the sole right for the Sami to reindeer husbandry within certain geographical areas.

The main purpose of the act is the sole right of the Sami to reindeer husbandry within certain geographical areas.

According to the act, Section 1, first paragraph, a person who is of Sami descent has the right to use land and water for his own maintenance and that of his reindeer. According to the second paragraph of the same Section the right mentioned belongs to the Sami population and is based on immemorial usage. Further, according to the third paragraph of Section 1 the reindeer husbandry right is exclusive for the members of Sami villages.

The law contains provisions regarding inter alia geographical areas and annual periods of reindeer husbandry, membership of Sami villages, the exercise of reindeer husbandry, exhaustion of the right, financial relations, governing procedures and concession of the right.

The act is currently being analyzed with the purpose of modification and modernization.

Response to Question 26 : No.

Response to Question 27 : Unfortunately, for the time being, we have no information or comments in this respect.