

PANAMA: Empowering Indigenous Women Through a Better Protection and Marketing of Handicrafts



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"I cannot recall the last time that people sang and danced in the middle of a WIPO seminar," remarked an observer. But then, this was no gray-suited gathering.

Traditional Knowledge, Genetic Resources, Folklore and Gender was the subject that attracted some 100 participants, mainly women from local indigenous and rural communities, to a two-day seminar held in October in Río Hato, Panama. They came to analyze their problems and successes as producers of traditional handicrafts; to learn which intellectual property (IP) tools could help them protect and market their products; and to benefit from the experiences of other indigenous communities in exploiting IP. With cheap imitations undermining sales of traditional handicrafts, the seminar, organized by WIPO in cooperation with the Industrial Property Registry of Panama and with financing from the Inter-American Development Bank, proved to be a timely event.

Experts highlighted a variety of IP tools, among them collective and certification marks and geographical indications. These seem particu-

larly well adapted to the protection and marketing of handicrafts and, at the same time, to the concepts of the collectivity and collective rights that are at the heart of many indigenous societies. Speakers noted that certification marks are being used, with varying degrees of success, to market indigenous art in countries such as Australia, Canada and New Zealand.

Other subjects covered included the application of copyright and design protection to traditional cultural expressions; patents; and international developments, such as discussions taking place in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).

Panama's *sui generis* law

Panama is one of a few countries in the world to have enacted a *sui generis* law to protect traditional cultural expressions and related knowledge¹. Indeed, the IGC text on traditional cultural expressions drew upon Panama's Law. Introduced in June 2000, Law 20 is designed to



Chacara woven fiber bags. The labels, marked "Ngobe-Bugle original art," identify the craftswoman and her community.

protect traditional dress (see box on *molás*), music, dance, and major indigenous handicrafts such as *tagua* nut carvings, hand-beaded *chaquira* necklaces and *chacara* woven bags. The seminar provided an opportunity to improve understanding of this law within the communities concerned.

New authenticity labels

Panamanian government representatives used the occasion to formally present to representatives of the Kuna peoples rolls of authenticity labels, the first of their kind to be issued under Law 20. The labels are intended to be attached to *molás* – the distinctive textile panels produced by Kuna craftswomen – so as to guarantee their authenticity.

The widespread sale of cheap *mola* imitations is adversely affecting the market price and quality reputation of the genuine product. Authentic handmade *molás*, using traditional techniques and patterns, can take two to four weeks to complete. Copies, cheap in terms of both quality

Canastas



These baskets, traditionally made of *chunga* palm fibers and hand woven so tightly that they can hold water, are produced by women of the Embera and Waounan people. Highly labor intensive, a large item may take six months to create and can fetch up to US\$ 1,000 from a collector. Most women depend on selling small inexpensive pieces to tourists.

Source: www.nativeplanet.org

¹ Law No. 20 (June 26, 2000) "on a special intellectual property regime for the collective rights of indigenous communities, for the protection of their cultural identities and traditional knowledge."

and price, are sewn by non-indigenous women or mass-produced, in Panama and elsewhere. The consequences for the community are serious, as the creation and sale of *molas* constitute the only source of income for many Kuna women and their families. Ultimately, it is the very cultural heritage of the Kuna people which is threatened. Women from the Ngobe-Bugle and Embera communities described similar problems resulting from the misappropriation of their traditional cultural expressions.

It was noted that, although authenticity labeling cannot in itself prevent the sale of imitations, it can help to differentiate the genuine traditional handicraft and so enable discerning buyers to pay a fair price for a quality product.

Placing women at the center

Indigenous women often face double discrimination, based on gender and ethnicity, and find themselves at the bottom of the socioeconomic ladder, marginalized from policy and decision-making processes and from training programs. Yet in many communities, women are the principal – or sole – producers of traditional crafts as well as custodians of cultural heritage.

For this reason, awareness raising and capacity building programs aimed at preserving, protecting and managing traditional knowledge and arts are likely to fail if they do not

The Mola



Kuna participants at the seminar.

Kuna craftswomen use a reverse *appliqué* technique to create *molas*, traditionally sewn onto their blouses, but often now sold as individual decorative panels. Multiple layers of colored cloth are stitched together, and designs are created by cutting through to expose underlying layers. The Panama government has been working with the Kuna communities since the 1990s to find ways to protect the *molas* from unauthorized copying.

place indigenous women at the center, both as actors and as a target group. As one participant at the seminar put it: “I may not be a lawyer or a biologist, but as a woman I know what I’m talking about from my own experience.” Teaching indigenous women to use IP tools to protect and increase the income-generating potential of their products also makes sense if IP is to contribute to wider UN efforts to combat what has been termed the feminization of poverty. Studies show this to be particularly acute in rural and indigenous communities, and to constitute a major obstacle to achieving sustainable development.²

WIPO would like to see the Rio Hato seminar serve as a springboard for future activities, in cooperation with national governments and other

partners: activities that address the everyday challenges which confront indigenous communities and, in particular, indigenous women. Such activities can also inform and complement the work of the IGC. The principal aim, however, remains to identify practical, grass roots solutions for harnessing the opportunities offered by the IP system in order to ensure more effective recognition, protection and management of cultural assets.



² See e.g. *Progress of the World's Women 2005*, United Nations Development Fund for Women; and *Engendering Development*, World Bank and the Oxford University Press (2001).