

CAPACITY-BUILDING

Intellectual Property and Traditional Knowledge

It may seem, at first glance, that WIPO's work on intellectual property (IP) and traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources (GRs) concerns mainly the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). But, in fact, WIPO's extensive capacity-building program occupies most of its Traditional Knowledge Division's time!

Amidst growing concerns over the continued misappropriation of TK, GRs and TCEs, stakeholders wish to take the practical and immediate steps available to them now to protect and derive benefit from these valuable resources. Such steps include using existing IP systems to the extent possible, creating policies and special legal measures, developing cultural protocols and model contracts and establishing effective institutions. These are the kinds of requests for capacity-building that WIPO receives.

WIPO's range of unique policy materials and specialized practical tools in the area of TK, TCEs and GRs – including guidelines, toolkits, training programs and databases – is in great demand, and this demand is growing and diversifying. Government officials, indigenous and local communities, non-governmental organizations (NGOs) and research and cultural institutions from around the world all benefit from this capacity-building program, which draws from a wide portfolio of expertise, practical experience and collaboration in the field. The program remains rooted in the needs and expectations identified by the Organization during its 1998 and 1999 fact-finding missions.

Provided upon request, WIPO's assistance includes facilitating national and regional consultations, providing legislative and policy guidance, organizing study visits, undertaking research and offering support for awareness raising and training.

Activities: 2008-2009 Biennium

WIPO is currently supporting on the regional level, the work of:

- the Caribbean Working Group of Experts, in developing a regional instrument for protecting TK, TCEs and GRs;

- the Pacific Islands Forum Secretariat (PIFS) and the Secretariat of the Pacific Community (SPC), in executing a "Traditional Knowledge Action Plan" in six Pacific Island countries, based on the "Regional Framework for the Protection of Traditional Knowledge and Expressions of Culture" that WIPO helped draft in 2002;
- the 2012 Festival of the Pacific Arts, due to take place in the Solomon Islands, in developing IP guidelines and licenses; and
- the African Regional Intellectual Property Organization (ARIPO) and the *Organisation de la Propriété Intellectuelle* (OAPI), on developing regional instruments.

In the last few months alone, the TK program also has been active in or supported work at the national level in Argentina, Azerbaijan, Brazil, Bulgaria, Fiji, India, Iraq, Guatemala, Kenya, Kyrgyzstan, Malaysia, Mongolia, Peru, Russian Federation, Solomon Islands, South Africa, Sudan, Syria, Thailand, Trinidad and Tobago and Venezuela.

The Creative Heritage Project

WIPO's Creative Heritage Project is developing an integrated set of practical resources and guidelines for cultural institutions – such as museums and indigenous communities – on managing IP options when documenting, digitizing and disseminating intangible cultural heritage. The Creative Heritage Project recently collaborated with the IP Registry of Guatemala to develop a national inventory of Guatemala's intangible cultural heritage and address the corresponding management of IP issues.

The Organization has published several surveys of existing IP-related protocols, codes and guidelines related to the recording, documentation and digitization of intangible cultural heritage, and established a searchable database comprising samples of resources and practices. A compendium for museums, libraries and archives on managing IP interests in indigenous collections will soon be published.



Chief Morias Ole Kisio of the Laikipia Maasai community receiving formal hand over of the digital recording equipment from Mr. Wend Wendland (WIPO TK Division).

WIPO Inaugurates its Indigenous IP Law Fellowship Program

WIPO has launched its new Indigenous IP Law Fellowship Program. The successful applicant for the Fellowship, selected from among 60 strong applicants, is Mr. Eliamani Isaya Laltaika, a Maasai from Tanzania. He took up his Fellowship at WIPO Headquarters in Geneva in August 2009.

The Fellowship offers a new valuable opportunity to indigenous experts to be actively and effectively involved in the work of the Organization, including in its wide range of capacity-building activities and in sessions of the IGC. The Fellowship is for a limited period of six months.

Mr. Laltaika is a Maasai lawyer from the Nainokanoka village in Tanzania and a Doctoral Candidate at the Max Planck Institute for Intellectual Property, Competition and Tax Law, in Munich, Germany. He obtained his LL.B. in 2003, a LL.M. in Environmental Law in 2004 and a LL.M. in Intellectual Property in 2007.

For more information see www.wipo.int/tk/en/fellowship/index.html.

Training program

As part of the Creative Heritage Project, WIPO helps indigenous communities to document and preserve their own cultural traditions while simultaneously managing their IP interests.

New technologies provide communities with fresh opportunities to document and digitize expressions of traditional cultures. Yet, these new forms of documentation and digitization can also leave cultural heritage vulnerable to unwanted exploitation beyond the traditional circle. By empowering communities themselves to record their traditions and creative expressions, the training program allows them to create their own IP in the form of photographs, sound recordings and databases. The IP training component enables communities to make informed decisions about managing IP assets in a way that corresponds to their values and development goals.

The training program also stimulates creativity within communities, can promote local economic and cultural development and helps to bridge the "digital divide," responding to key objectives of both the Millennium Development Goals and WIPO's Development Agenda. In the case of the Maasai community, training enabled two Maasai to acquire technical skills to use the equipment provided by WIPO (a digital camera, sound recording equipment and a durable state-of-the-art laptop computer) to document their cultural heritage on an ongoing basis. WIPO will continue to provide IP advice and technical support to the Maasai community.

Readers may recall that, in September 2008 (see "Digitizing Traditional Culture" WIPO Magazine 3/2008) when the training program was initially launched, the Maasai community was invited to appoint two participants, Mr. John Ole Tingoi and Ms. Ann Sintoyia Tome,



Ms. Florence Tampushi, Ms. Ngoto Koisani and Ms. Kashui Maiyani took part in the hand over ceremony.

for training. During a follow-up course in July this year, both were instructed to use the recording and other equipment as they will not only oversee the community's documentation activities but also do the actual documentation themselves.

The training program is offered by WIPO in partnership with the American Folklife Center at the Library of Congress (AFC) and the Center for Documentary Studies at Duke University (CDS) in the U.S. A representative of the National Museums of Kenya, Mr. Kiprof Lagat, also participated both as a trainee and trainer in the program tailored to the Kenyan Maasai community.

Further Resources

In collaboration with Russian indigenous NGO "Lauravet'an Information & Education Network of Indigenous People" (LIENIP), WIPO recently published a joint bilingual publication on "Traditional Knowledge and Indigenous Peoples" (WIPO publication number 1014E/R). The Organization is also offering support to the IP Office of Mongolia in developing a DVD of Mongolian folklore, and collaborating with the Office of the National Culture Commission of Thailand in translating certain core WIPO materials into Thai.

For regular information on the activities of WIPO's Traditional Knowledge Division, sign up to its electronic Newsletter and Updates by registering online at www.wipo.int/tk or sending an e-mail to grtkf@wipo.int.