

Setting the scene

Digital technologies and computer networks – especially the Internet – offer unprecedented opportunities for the promotion, preservation, revitalization and protection of intangible cultural heritage.

Expressions of traditional creativity and innovation can serve as springboards for new cultural expression, especially in the digital world.

Digitized traditional music, designs and art can reach new audiences in niche markets for distinctive, diverse and "local" cultural goods and services, and, in so doing, promote community and rural economic and cultural development.

New technologies also offer enhanced means to safeguard and restore intangible cultural heritage, especially elements in danger of erosion and disappearance. They can also facilitate educational and scholarly opportunities, as well as enhanced cultural exchange.

Documentation of cultural heritage is also linked to efforts to establish special ("*sui generis*") systems to protect traditional cultural expressions.

However, the digitization and dissemination of traditional cultural expressions can lead to their misappropriation and misuse. In some cases, safeguarding efforts have unwittingly led to the unauthorized disclosure or commercial exploitation of culturally sensitive materials.

As a result, Indigenous organizations, museums and archives, and researchers (such as ethnomusicologists) have called for guidance on which intellectual property (IP) issues and options arise during recording and digitization initiatives.

The Creative Heritage Project

In response, **WIPO's Creative Heritage Project** is developing **best practices** and **guidelines** for managing IP issues when recording, digitizing and disseminating intangible cultural heritage.

These best practices and guidelines would aim to assist communities and cultural institutions to manage IP options so as to both *preserve* cultural heritage and *protect* it against misappropriation and misuse.

For example, copyright and related rights can provide protection for performances, recordings, compilations and contemporary interpretations of traditional cultural expressions. Trademarks and other forms of protection for distinctive signs and indications can also be useful.

Making traditional cultural expressions publicly available does not necessarily place them in the "public domain" – by creating and exercising IP rights in new digital recordings, protection of the cultural expressions can be enhanced.

Whether to use new technologies and IP tools to participate in the information economy is tied to the overall cultural and economic goals of the tradition bearers themselves, which only they can decide upon.



Dirty Devils Dance, Panama

These best practices and guidelines would closely complement tools being developed in several forums on the documentation of technical traditional knowledge, such as knowledge related to the conservation of biodiversity.

The Project can also provide associated **information technology** support for the recording, digitization and dissemination of cultural materials, aimed at helping communities and institutions to establish their own digital collections and websites should they wish to.

A proposed WIPO **Creative Heritage Digital Gateway**, an online portal on WIPO's web site, would facilitate access to web sites established by communities and institutions.

See also the complementary "WIPO Guide for Museums on Managing Intellectual Property".

The Creative Heritage Project comprises:

- **IP assistance** (information and advice on IP management during digitization projects);
- **IT assistance** (technical support for the recording and digitization of traditional cultural expressions, and the establishment of digital collections and web sites);
- the **WIPO Creative Heritage Digital Gateway** (a portal on WIPO's web site through which access to the sites of indigenous communities and cultural institutions can be obtained).



Who could benefit from these resources?

These resources could be valuable for:

- **indigenous peoples and local communities** who wish to benefit from their cultural assets through digitizing and making available their cultural expressions while preventing their illegitimate exploitation and misuse;
- **museums, galleries, libraries and archives** who wish to devise IP-related strategies in support of their safeguarding, educational and, in some cases, income-generation objectives;
- **governmental agencies and cultural institutions** compiling inventories of intangible cultural heritage as required by the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage, 2003;
- **creators, researchers and scholars** wishing to access, study, share and re-use intangible cultural heritage.

What information resources are already available?

Many institutions and communities have already developed valuable IP-related protocols, policies and practices relating to the safeguarding of, access to, ownership of and control over cultural heritage.

WIPO has commissioned **surveys** of these existing resources and practices. A selection of short **case studies** drawn from the surveys has been prepared.



Digitising at the Archives and Research Centre for Ethnomusicology in Gurgaon, India

WIPO has also compiled a searchable **database** of these existing IP-related protocols, policies and practices.

This database responds to a widely-felt need for more empirical information on current experiences and practices concerning these issues.

See our **online Database** at
www.wipo.int/tk/en/folklore/creative_heritage/

These resources may serve as a basis for distilling IP-related "best practices" and guidelines.

Find these **Information Resources** at
www.wipo.int/tk/en/folklore/culturalheritage/

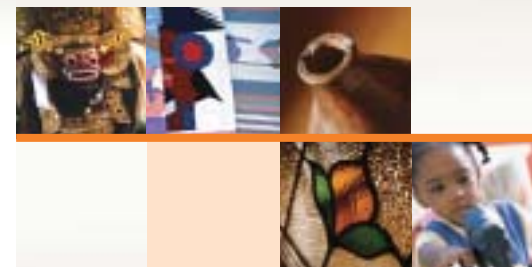
A DVD on the field experiences of an ethnomusicologist is also available on the site, as are other audio-visual resources.

Contributions, comments and corrections to the surveys and the database are welcome! Please direct them to heritage@wipo.int

Pilot projects

The Creative Heritage Project is currently providing IP-related advice and associated ICT assistance to recording and digitization projects with a **Maasai community** in Kenya, the Intellectual Property Office of **Mongolia** and a traditional music archive, the folk-life centre and the National Museum in **Sudan**.

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Creative Heritage Project

IP Guidelines for Digitizing
Intangible Cultural Heritage

