

Committee on Development and Intellectual Property (CDIP)

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SUMMARY OF THE STUDY ON INTELLECTUAL PROPERTY IN TOURISM AND CULTURE IN SRI LANKA

prepared by the Secretariat

1. The Annex to this document contains a Summary of the Study on Intellectual Property in Tourism and Culture in Sri Lanka undertaken in the context of the project on *Intellectual Property, Tourism and Culture: Supporting Development Objectives and Promoting Cultural Heritage in Egypt and Other Developing Countries* (CDIP/15/7 Rev.). The Study has been prepared by Dr. Nishantha Sampath Punchihewa, Senior Lecturer, Faculty of Law, University of Colombo. The full study is available at: https://www.wipo.int/ip-development/en/agenda/work_undertaken.html.

2. *The CDIP is invited to take note of the information contained in the Annex to the present document.*

[Annex follows]

Intellectual Property in Tourism and Culture in Sri Lanka

This study was prepared in the context of the WIPO CDIP project by the national consultant, under the guidance and supervision of the WIPO experts and the National Steering Committee on IP in Tourism and Culture. The objective of this project was to carry out a comprehensive study in Sri Lanka in order to identify and explain best practices on the successful use of the national IP system for the competitive advantage of the tourism sector and the promotion of national and/or regional knowledge, traditions and culture. Tourism is one of the fastest-growing industries around the world and is a dynamic field. As part of their national development strategies, many countries in the world are increasingly developing tourism as an effective driver of economic growth and inclusive development, creating jobs and welfare for communities.

Moreover, the intersection of intellectual property (IP) rights, tourism and culture has attracted a great deal of attention in recent years. The use of IP rights in tourism and cultural promotion is a new business model for the tourism industry. Sri Lanka is a country endowed with a glorious historical and cultural heritage that spans millennia; an island like no other, blessed with an abundance of natural beauty and attractions. From an economic standpoint, the tourism sector is one of Sri Lanka's success stories of the post-war economy. Although Sri Lanka is a top tourist destination, it has barely scratched the surface of its true potential for tourism promotion by reaping the fruits of the innovative and creative efforts of its people.

In the Sri Lankan context, a number of IP rights can play a crucial role in fostering tourism and culture. Furthermore, exclusive rights attached to copyright, patents, trademarks, designs and geographical indications can be effectively harnessed for the improvement of the tourism industry. Furthermore, trade secret protection and protection against unfair competition can be used as effective tools against free-riding on the achievements of other competitors. In that sense, the IP rights regime is a powerful mechanism for strengthening the competitiveness of the enterprises and firms operating within the tourism industry. The time may have come for the Sri Lankan tourism sector to adopt the new business model of using IP rights for the promotion of tourism and culture. It would certainly benefit the country in creating new jobs, reducing poverty and achieving robust economic growth.

Using evidence gathered from field visits and key-informant interviews, the study presents a list of selected cases along the lines of agreed thematic areas. The cases suggest whether and to what extent IP rights are being, or can be, strategically used to extract value from tourism-related products and services in Sri Lanka. The author hopes that this study may assist policymakers to think afresh in terms of tourism development and cultural promotion in Sri Lanka, making appropriate use of IP tools and strategies. Finally, the study endeavors to offer guidance to national lawmakers in the design of seven proposed tourism development strategies, viewed through the lens of IP rights, innovation and creativity.

[End of Annex and of document]