



INTERNATIONAL SYMPOSIUM ON INTELLECTUAL
PROPERTY AND TRADITIONAL CULTURAL EXPRESSIONS

BRAZIL



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From the Amazon Rainforest.

Our culture, our traditional knowledge, are
essential for preserving the forest. Therefore,
we do not treat our cultural expressions
merely as property; they are more than that —
they are an essential part of sustaining life and
our communities.





Today, I present the most important step Brazil has taken in this field: the new Draft Bill that establishes the Legal Framework for the Protection of Traditional Knowledge, Traditional Cultural Expressions, and Expressions of Popular Cultures. This framework is historic, because it finally recognizes that different types of cultural expressions exist and that each requires appropriate and differentiated protection.





Two distinct concepts: Traditional Cultural Expressions vs. Popular Cultural Expressions

One of the Bill's main contributions is the clear distinction between traditional cultural expressions and expressions of popular cultures.

Traditional cultural expressions are ancestral creations of Indigenous peoples, african - diasporic, and traditional communities. They carry spirituality, memory, cosmology, and ways of life transmitted from generation to generation. They include graphic designs, ritual chants, traditional crafts, and ceremonial knowledge. These are not decorative elements —they are foundations of collective identity.

Expressions of popular cultures, on the other hand, are manifestations that arise from the everyday life of rural and urban communities, shaped by the creativity of the Brazilian people. They are dynamic, hybrid, and constantly evolving, such as samba, capoeira, popular festivals, and street arts. They also express identity and belonging, but emerge from different social contexts, equally legitimate and culturally rich.





Safeguarding Community Rights and Cultural Integrity

The Draft Bill protects all these expressions from misuse, unauthorized commercial exploitation, distortion, and cultural appropriation . It affirms that any use must respect the decisions of the communities and their own internal protocols —recognizing that each people has its own way of deliberating, consenting, and granting authorization .

A deeply innovative element is the recognition of **collective moral rights** , acknowledging that these expressions do not belong to isolated individuals, but to communities . This includes the right to preserve sacred knowledge, to prevent distortions, and to protect the integrity of cultural symbols, narratives, and practices .





Living Cultural Heritage and Community Rights

The Bill also values **oral tradition** as a legitimate form of transmission and evidence, honoring ancestral ways of producing and preserving knowledge. At the same time, it creates mechanisms for support, safeguarding, and documentation, without forcing communities to register anything in order to have their rights recognized.

The result is a legal framework that respects cultural autonomy, protects dignity, and strengthens cultural continuity. It combats appropriation and opens paths for communities to receive recognition and fair participation in the uses of their collective intellectual heritage.

This Draft Bill breaks with the notion that culture is merely individual or economic property. It affirms that cultural expressions —whether traditional or popular —are living heritages that sustain identities, territories, and ways of being.





Protecting Culture to Protect Humanity



Ladies and gentlemen, protecting these expressions is not about looking to the past —it is about guaranteeing the future . It means recognizing that the peoples who create, maintain, and reinvent these traditions are living agents, innovators, and fundamental contributors to the world's cultural diversity . And that no country can face global challenges in culture, climate, or biodiversity without listening to, respecting, and protecting those who have always been guardians of this knowledge .

With this Legal Framework, Brazil reaffirms its commitment to cultural justice, diversity, and the defense of the peoples who safeguard the knowledge that sustains our humanity .



International Protection

The international protection of Traditional Cultural Expressions (TCEs) faces significant challenges due to the different visions, legal systems, and political priorities among countries. However, these differences also reveal important opportunities to advance international protection mechanisms. Among the main opportunities, we can highlight:

1. recognizing collective ownership;
2. requiring free, prior, and informed consent;
3. preventing inadequate protection through individual intellectual property rights;
4. creating global standards to avoid transnational cultural appropriation;
5. supporting voluntary registries;
6. establishing cultural certification mechanisms;
7. developing digital monitoring and enforcement tools;
8. expanding the use of collective trademarks and cultural geographical indications.

These measures directly benefit communities by strengthening their autonomy, increasing their visibility and leadership, and safeguarding their rights.





Closing remarks

Protecting traditional cultural expressions and expressions of popular cultures is an agenda of dignity, cultural sovereignty, and historical justice. The Brazilian Legal Framework affirms that the peoples who hold these expressions are not passive guardians of a distant past—they are living agents, creators, innovators, and rightful owners of their cultural systems. By advancing this legislation, Brazil places itself among the countries most firmly committed to defending ancestry and cultural diversity as legal assets worthy of full protection, both within and beyond its borders.



THANK YOU!

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