

# Information Sharing Session on the Interaction Between Indigenous Peoples and Local Communities, Specific Government Agencies and IP Office

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Legal framework for the protection of traditional knowledge, traditional cultural expressions, and expressions of popular culture in Brazil.

MINISTÉRIO DA  
CULTURA

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**BRASIL**  
UNIÃO E RECONSTRUÇÃO



## Context

In Brazil, the Copyright Law (Law No. 9,610 of 1998) does not recognize knowledge and expressions that are created collectively, as is the case among Indigenous Peoples, Quilombola communities, Traditional Communities, and Popular Culture Groups.

Article 45 of the Copyright Law provides that:  
Besides works for which the term of protection of economic rights has expired, the following shall belong to the public domain:

II – works of unknown authorship, without prejudice to the legal protection of ethnic and traditional knowledge.

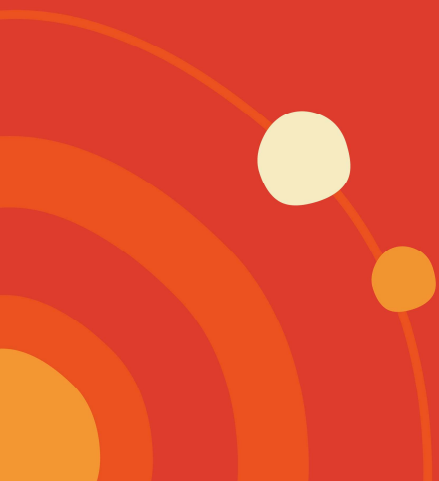


## Context

There is still no specific law in Brazil to protect the cultural expressions and knowledge of traditional peoples. This means that songs, stories, artistic expressions, and other forms of knowledge may be used and misappropriated by third parties, as has occurred in several documented cases.

## Art Kusiwa (Wajãpi)

In 2011, two Brazilian companies launched an interior design collection featuring the Kusiwa graphic patterns of the Wajãpi people without authorization. After a complaint by the Council of Wajãpi Villages and mediation by the competent authority, an agreement was reached: the company paid R\$150,000 to fund the “Wajãpi Cultural Strengthening and Territorial Management Project.”



## Havaianas “Tribes Collection”

### (Yawalapiti)

In 2015, the brand released sandals featuring graphic patterns used in the Kuarup funeral ritual, based on a contract signed with only one Indigenous artist. The issue is that Kuarup is a collective cultural creation, belonging to several Indigenous peoples of the Xingu region. This raised concerns because not all the affected communities were consulted.



## Grendene (Kisêdjê)

In 2006, the company launched sandals featuring graphic designs of the Kisêdjê people, claiming to support the Y Ikatu Xingu project. However, the Indigenous community did not authorize certain uses, such as the way ornaments on women were represented.

In 2007, Grendene launched a new collection featuring graphic designs without authorization.





## “Gypsy Jongo” (Grupo Cultural Jongo da Serrinha)

A version of Jongo called “Gypsy Jongo” was created incorporating elements linked to “Gypsy identity.” The process was questioned for **decontextualizing and turning ritual/ancestral practices into a commercial product**, without ensuring leadership or control by the traditional masters and knowledge holders.

## Netflix- Luz TV Show

Protocol for the use of Kaingang traditional cultural expressions, developed to regulate the use of cultural manifestations in an audiovisual work, prepared in partnership with the production company.

The Kaingang people were consulted and were able to express whether or not they agreed with the use of their traditional cultural expressions.

**This is an example of good practice in the use of traditional cultural expressions, grounded in free, prior, and informed consent, and in the development of participatory and culturally sensitive solutions.**



The examples show that the use of traditional knowledge can take place in two different ways:

Improperly, when there is no consultation, respect, or benefit for the peoples involved.

In a positive way, when there is dialogue, fair partnership, and recognition.

**The Brazilian law currently under development seeks to ensure that traditional knowledge and traditional cultural expressions are used appropriately, guaranteeing protection for the beneficiaries and legal certainty for companies.**

# Beneficiaries

- Indigenous Peoples
- Quilombola Communities
- Traditional Peoples and Communities
- Popular Culture Groups



# Objectives of the Legal Framework

- To establish the right to free, prior, and informed consent and to fair and equitable benefit-sharing.
- To protect traditional knowledge and traditional cultural expressions against misuse and misappropriation.
- To ensure adequate protection for secret and sacred traditional knowledge, traditional cultural expressions, and expressions of popular culture.



# Registration

The registration is optional and may be carried out with the public authorities. It serves to record, protect, preserve, and document the knowledge and cultural expressions of Indigenous Peoples and traditional communities.

The registry also functions as evidence in cases of use without consent by third parties, without the proper authorization of the People or community that registered it. The information may be kept confidential.

# Consultation process

- Dialogue with **Indigenous Peoples and Quilombola communities**
- “International Seminar on Traditional and Popular Cultures and Climate Justice: Global Dialogues and Local Knowledge”, in partnership with the **World Intellectual Property Organization (WIPO)**, from September 17 to 20, 2025, in Chapada dos Veadeiros, Goiás.
- In-person consultation seminars in the five regions of Brazil and an online public consultation open to society at large.



**Ministry of Culture - Brazil**  
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