

Intellectual property, traditional knowledge (TK) and traditional cultural expressions (TCEs)

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Traditional Knowledge Division

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World Intellectual Property Organization (WIPO)

- Agency of the United Nations
- 193 Member States
- “Our mission is to lead the development of a balanced and effective international intellectual property system that enables innovation and creativity for the benefit of all.”

WIPO's Traditional Knowledge Division

- Facilitate: Assist regional organizations and national governments develop strategies, policies, action plans and laws
- Inform: Raise awareness, provide information, identify key issues, explain policy options
- Train: Provide hands-on practical training and support on selected topics



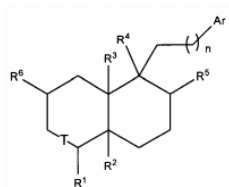
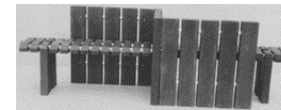
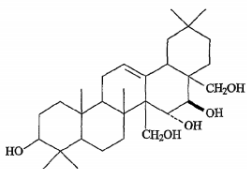
Traditional Knowledge (TK) and Traditional Cultural Expressions (TCEs)



INTELLECTUAL PROPERTY

Intellectual property: Different categories and different rules

Patents	Copyright	Trademarks	Geographical indications	Industrial designs	Trade secrets	...
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INTELLECTUAL PROPERTY, TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSIONS



Protect and Promote Your Culture:

A Practical Guide to Intellectual Property for Indigenous Peoples and Local Communities

Available at:

https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1048.pdf

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Using the conventional IP system: Can TCEs be protected using trademarks?

An example from Kenya: Taita baskets

In Taita Taveta County, Kenya, sisal baskets are produced according to a traditional art by local women. This skill has been passed down from generation to generation.

The community of basket weavers has formed the Taita Baskets Association, which is the proud owner of the collective trademark "TAITA BASKET". This collective mark can be used by members of the Association to protect and promote their baskets. The Association has established regulations on the use of the mark and adopted certain quality standards. The Association has registered the mark with the aim of developing a strong, recognizable and profitable regional brand.⁴

Like SUMAQ SONQO, this example shows that collective marks may be useful for indigenous peoples and local communities.



Using the conventional IP system: Can TK be patented?

An example from Australia: the crocodile hunter

The Jarlmandangh Burru Aboriginal community resides in Kimberley in North West Australia. The marjala plant (scientific name: *Barringtonia acutangula*) is well known to the Jarlmandangh Burru community for its healing properties, including pain relief. It is associated with the creation story of the Fitzroy River.⁵

Mr. John Watson, an elder from the Jarlmandangh Burru community, had his finger bitten off while hunting crocodiles. To stop the pain, he chewed the bark from the marjala plant and put it on his wound. The marjala plant stopped the pain until he was able to get to a hospital. This made his local community think about its commercial potential.⁶

Subsequently, the Jarlmandangh Burru community explored the commercial benefits of the marjala plant and reached a partnership agreement with Griffith University. In 2004, Griffith University and the Jarlmandangh Burru Aboriginal Corporation filed a patent application in Australia for an invention entitled "Novel analgesic compounds, extracts containing same and methods of preparation". As indicated in the patent application, the invention relates to new compounds having analgesic properties and extracts containing them. Such compounds are obtained from plants of the *Barringtonia* species.⁷ A patent was granted to Griffith University and the Jarlmandangh Burru Aboriginal Corporation for this invention.

(19) AUSTRALIAN PATENT OFFICE

(11) Application No. AU 2004293125 A1

(54) Title
Novel analgesic compounds, extracts containing same and methods of preparation

(51)⁶ International Patent Classification(s)
A61K 31/351 8BMEP A61P
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(21) Application No: 2004293125 (22) Application Date: 2004.11.26

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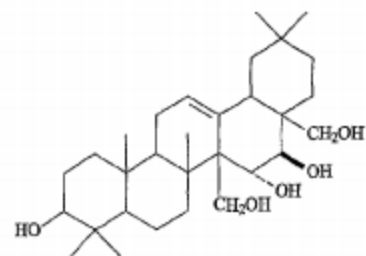
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(71) Applicant(s)
Griffith University; Jarlmandangh Buru Aboriginal Corporation

(72) Inventor(s)
Quinn, Ronald; Mills, Clive

(54) Title: NOVEL ANALGESIC COMPOUNDS, EXTRACTS CONTAINING SAME AND METHODS OF PREPARATION



A₇-Barringenol

(57) Abstract: Various compounds obtained from plants of the *Barringtonia* species which are derived from Barringtonside A and Barringtonside C as precursor compounds which especially have an arabinopyranosyl substituent at the 21 position which may optionally be further substituted with benzoyl, dibenzoyl, methyl butanoyl, methyl butyryl or tigloyl at the 3 or 4 positions. Alternatively at the 21 position there is provided tigloyl, benzoyl or dibenzoyl substituents.

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Different rights and different rules

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■ “This is not to suggest that intellectual property law meets all the needs of indigenous peoples and local communities.”

But, if used strategically, you may be able:

- to maximize the economic value of your TK and TCEs-related goods and services
- to prevent others from exploiting your TK and TCEs without your permission

Intellectual property, TK and TCEs

- A range of intellectual property tools can be used to protect or promote TK and TCEs-related goods and services.
- At different levels and in different places, measures to better protect TK and TCEs are being discussed and put in place.

WIPO Intergovernmental Committee (“the IGC”) on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore



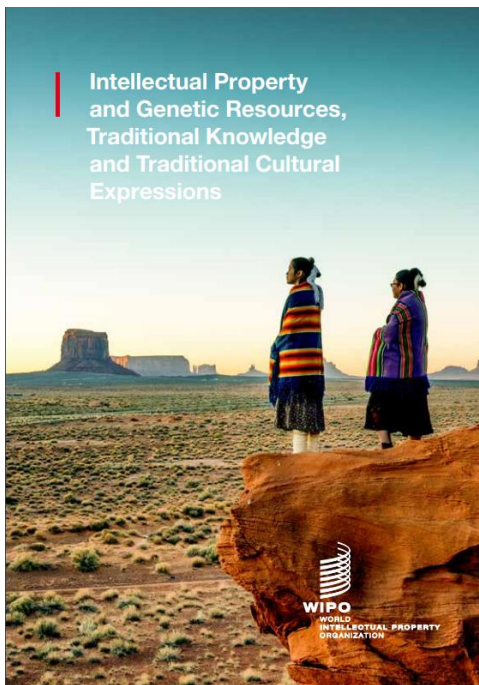
<http://www.wipo.int/tk/en/igc/>

The IGC mandate for 2020-21

- The Committee will, during the next budgetary biennium 2020/2021, continue to expedite its work, with the objective of finalizing an agreement on an international legal instrument(s), without prejudging the nature of outcome(s), relating to intellectual property which will ensure the balanced and effective protection of genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs).
- The General Assembly in 2021 will take stock of progress made, and based on the maturity of the texts, including levels of agreement on objectives, scope and nature of the instrument(s), decide on whether to convene a diplomatic conference and/or continue negotiations.

For additional information and resources:

■ <https://www.wipo.int/tk/en/>



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