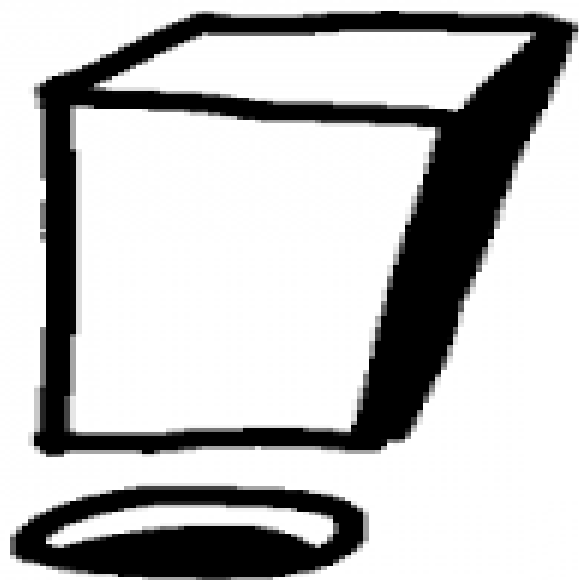


Intellectual Property and Traditional Knowledge and Traditional Cultural Expressions

Wend Wendland
Director, Traditional Knowledge Division

Windhoek, August
2015







- **Legislative vs. practical options**
- **More effective use of existing IP system vs. new *sui generis* IP norms**
- **IP vs. non-IP options**

Protecting brands

Protecting recordings



Risks and opportunities of documenting TK



THE WORLD INTELLECTUAL PROPERTY ORGANIZATION TRADITIONAL KNOWLEDGE DOCUMENTATION TOOLKIT

CONSULTATION DRAFT
NOVEMBER 1, 2012

IP issues and opportunities in ABS agreements



Draft Intellectual Property Guidelines for Access to Genetic Resources and Equitable Sharing of the Benefits arising from their Utilization

CONSULTATION DRAFT
February 4, 2013




WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

**WIPO Intergovernmental Committee on
Intellectual Property and Genetic
Resources, Traditional Knowledge and
Folklore**

Text-based negotiations . . . text(s) of an international legal instruments(s) . . .



Significance

- For indigenous peoples, local communities and other beneficiaries:

New collective rights to prevent unauthorized use and/or share in benefits, internationally – economic, social and cultural benefits

- For international IP law-making:

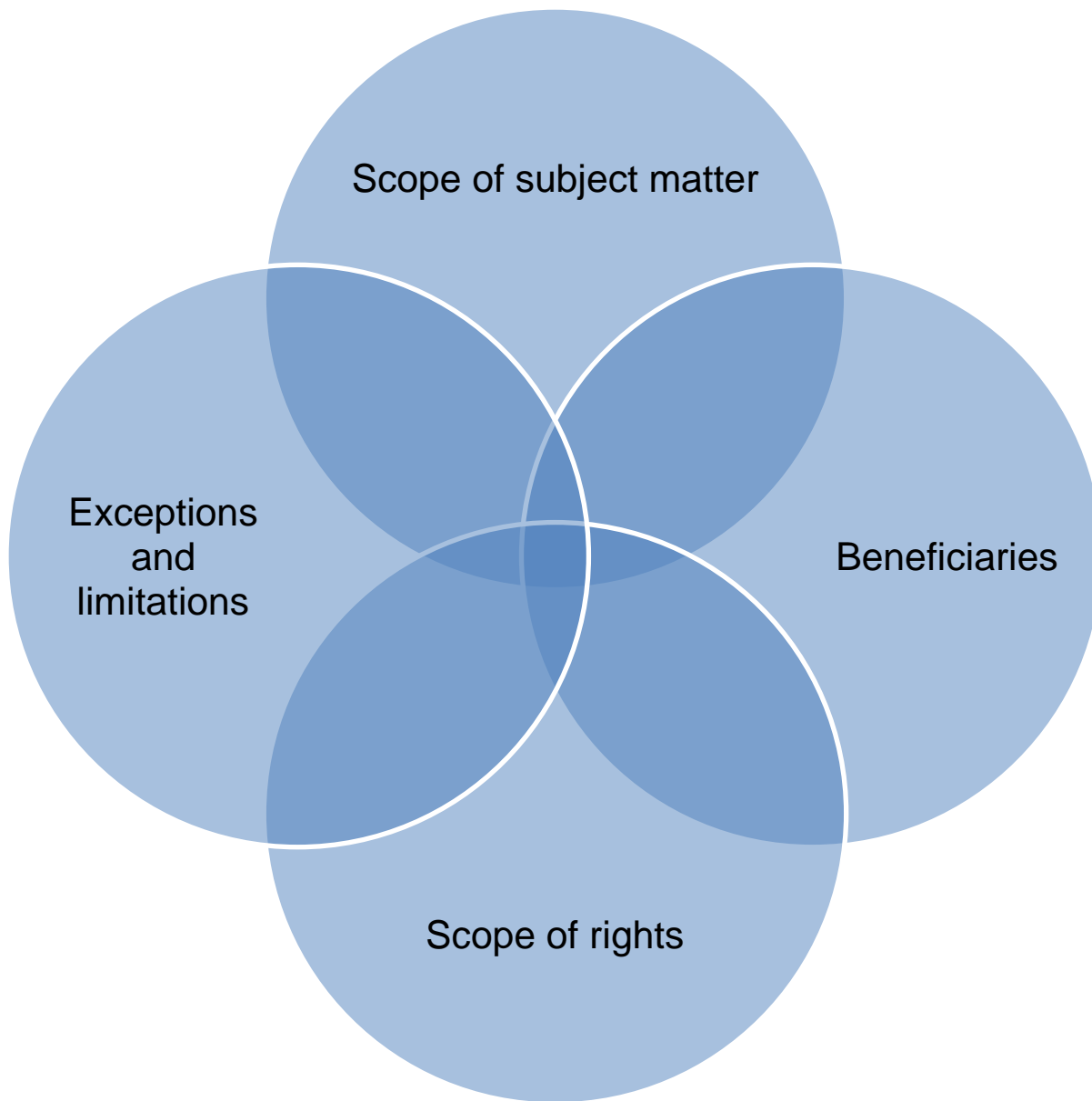
A profound re-imagining of the IP system

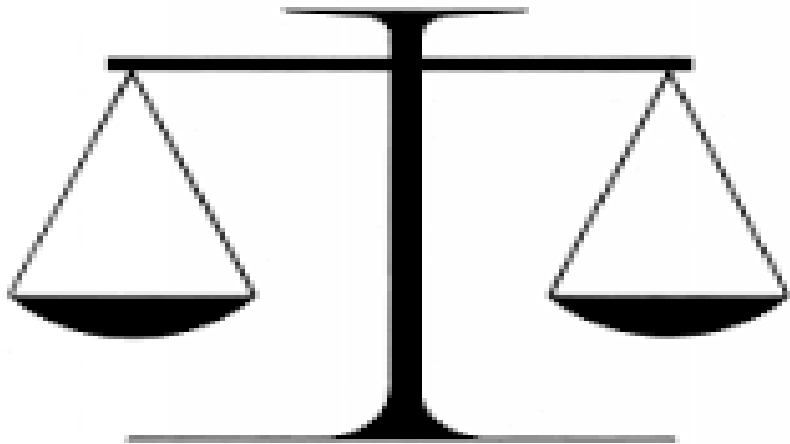
First developing country-led normative process of this breadth and complexity

Challenges

- Little experience at national/regional level
- Diverse demandeurs, diverse objectives
- Interface with other instruments and processes

The African Group





Competing objectives



**How, if at all, to
protect “publicly
available” traditional
knowledge**

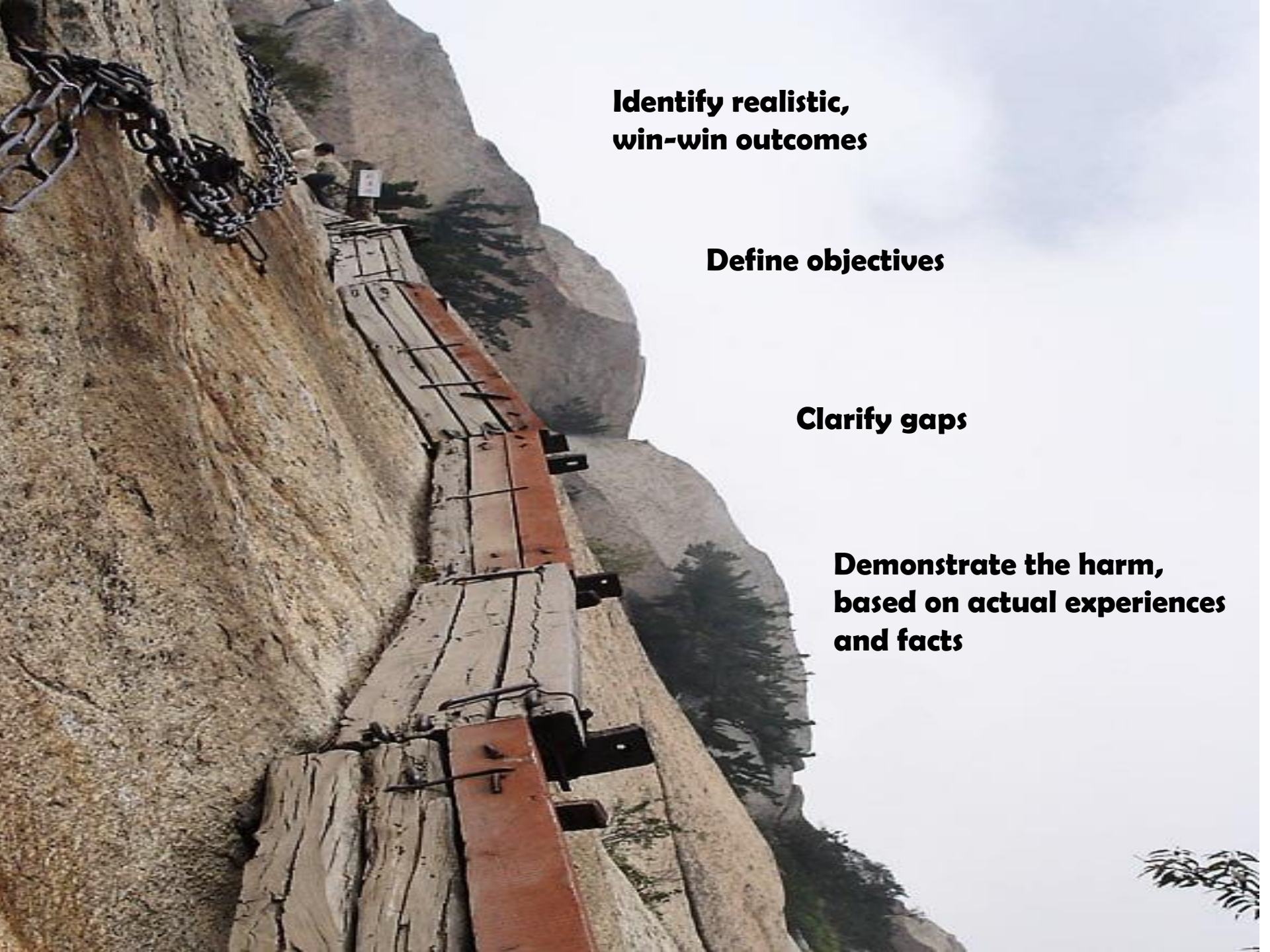
Nature of TK Nature of rights  	Secret	Closely held	Publicly available	Widely diffused
Exclusive property rights				
Moral rights				
Unfair competition				
Compensation/ Benefit-sharing				



**UNCERTAINTY
AHEAD**



Questions and
comments?



**Identify realistic,
win-win outcomes**

Define objectives

Clarify gaps

**Demonstrate the harm,
based on actual experiences
and facts**

Follow developments: sign up for **WIPO's TK Updates and Newsletters** by emailing us at grtkf@wipo.int

Access all resources through our **website**:
www.wipo.int/tk/en

Wend Wendland
wend.wendland@wipo.int