Traditional Cultural Expressions and International Intellectual Property Law

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Dances, songs, handicrafts, designs, etc.
• What are traditional cultural expressions?

• Why was this legal concept introduced in international intellectual property law?
What are traditional cultural expressions?

- The Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Preamble para. 13 and para. 15

- The United Nations Declaration on the Rights of Indigenous Peoples (2007), article 31

- WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore
Key Characters

- Cultural content
- Collective essence
- Intergenerational transmission
Tā Moko

Gottfried Lindauer, Hinepare, a woman of the Ngāti Kahungunu tribe, 1890
Cultural Content

• “Cultural expressions” are those expressions that result from the creativity of individuals, groups and societies, and that have cultural content.

• “Cultural content” refers to the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities.

Art. 4, Convention on the Protection and Promotion of the Diversity of Cultural Expressions
Intangible Cultural Heritage

Traditional Cultural Expressions

Traditional Knowledge
The Tribunal of Waters of Valencia’s Watered Land

The Mediterranean diet
Collective Essence

Aaron Smale, Tā Moko: Libraries on the skin, 2008
Intergenerational Transmission

Lace workers, New York City, 1911
Misuse of Traditional Cultural Expressions

Cover of French magazine ‘Têtu’

Advertisement published in Vogue
Nike Tattoo Tech Leggings

Pe'a, Samoan male tattoo
Mike Tyson

Poster for The Hangover Part II
Claude Monet, The Japanese Footbridge and the Water Lily Pool, 1899