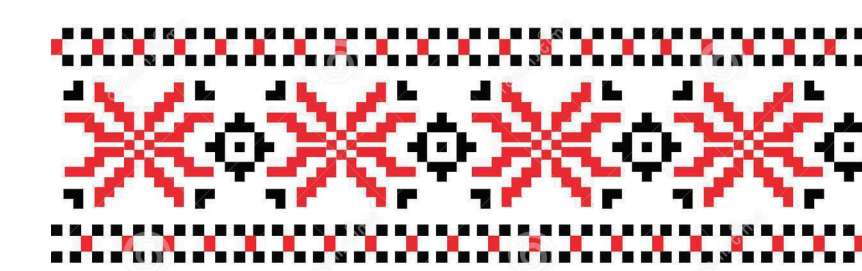


INTELLECTUAL PROTECTION OF TRADITIONAL CULTURAL EXPRESSIONS AND THEIR PROMOTION IN DIGITAL ERA



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INTRODUCTION

Cultural Heritage is an essential part of humanity's history and according to ICOM's museum definition, it is important to promote the diversity of our heritage. My research started from the aim to study different cultural identities that contribute to this diversity and that are not so widely known and how they can be protected as well as how digital world can contribute to the promotion of them. The World Intellectual Property Organization defines this part of heritage as Traditional Cultural Expressions. The protection of cultural heritage should be inclusive as there is so much diversity in cultural history and in order to protect cultural identities that become extinct today due to social changes, climate change or conflicts. And in the digital era of the new generation, digital tools like 3d technologies or web media and digitization are very important for the preservation and the access to this heritage for education and better understanding of a specific traditional community and its history. To achieve this sustainable management, indigenous communities and cultural institutions should work together.

KEY CONCEPTS

- What are the Traditional Cultural Expressions (TCEs)?
- How can TCEs be protected in terms of Intellectual Property (Copyright, Trademarks, etc)
- Cases/ examples
- Promotion of TCEs.
- Digital tools for democratization and preservation of TCEs and legal issues
- Contribution of Cultural Institutions

METHODOLOGY

The methodology that was implemented followed these steps:

- Study of questions according to the key issues
- Research of bibliography and online databases
- Collecting material
- Study of cases.
- Research on digital tools
- Study of the management of TCEs by cultural organizations

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DISCUSSION

TCEs (also called Expressions of Folklore) are defined by WIPO as essential part of the cultural heritage and identity of indigenous people and local communities that pass from generation to generation, including: art, designs, music, dance, names, signs, symbols, handicrafts, architecture, performances, ceremonies. Tangible and intangible heritage belong to TCEs and they differ from Traditional Knowledge (TK), which specializes in medical/ environmental knowledge of a traditional community.

Living in multicultural societies, including indigenous communities, immigrants, refugees, combined with the social changes, conflicts, climate change, make even more important the protection of this part of cultural heritage and the promotion of cultural diversity.

IP protection offers to the traditional communities legal tools like: **Copyright, Trademarks, geographic indications**, to achieve:

- Protection to prevent inappropriate use and exploitation by thirds parties.
- Support of the economic development of the community through commercial exploitation of their heritage.

Copyright: Protects against acts of reproduction, public performance, communication to the public, adaptation by thirds parties, but requires rightholders/ authors. There are the sui generis rights allowing the management of databases.

Trademarks: Safeguarding the authenticity of a product, preventing thirds parties from the commercial use.

Design: Registered designs by traditional artists

Geographical indications: More connected with the territory of a traditional community (more suited for tangible heritage)

In contrast, the "public domain", where everything is free of copyright, but is considered as harming by indigenous communities.

Cases/ Examples

- Indigenous artists and communities in Australia protected by copyright
- Bihor Couture(Romania), creating a brand of "authentic items", incomes to the locals.
- "Artesanias de Colombia", craft items tradable.
- Protection and repatriation of Sami cultural artifacts.

However, protection goes together with **promotion of TCEs**, as these tools of protection should not remote an indigenous community and promotion of cultural diversity can make such a community viable. Especially during Covid period, **digital tools** are proved to be great means for the promotion of cultural heritage, the education and the engagement of the public. **Digital databases with videos, photographs, music, 3d technologies and virtual and augmented reality** are some examples that could contribute to the worldwide democratization of TCEs and to spread awareness about these communities and their heritage through innovation and creativity. Still the whole digitization part has many issues related to IP, so there should be more awareness to aim traditional communities in terms of copyrights(distribution, making copies or works in new media), such as the use of cc licenses.

Cultural Institutions can contribute to the promotion and sustainable management of TCEs as well as to the **education** regarding the protection of them. They can offer guidance to law makers and work with traditional communities for better **policies** for the TCEs. Moreover, as many cultural institutions work on digitization projects of cultural heritage, they can cooperate with the communities to build a material based on the original knowledge and with respect to the community. It is important to build trust between indigenous communities and cultural institutions.

CONCLUSION

Cultural diversity consists mostly of these traditional communities with their TCEs, that should be protected with legal tools and policies as well as promoted with the help of digital tools and the support of cultural institutions for the education and sustainable development of these communities. with respect to their cultural identity.