

ICHNGO FORUM

INTANGIBLE CULTURAL HERITAGE AND CIVIL SOCIETY

Webinar hosted by the ICH NGO Forum's
Working Group on Legal and Policy Developments

What does the adoption of the WIPO Treaty on Intellectual Property Genetic Resources and Associated Traditional Knowledge mean for the Safeguarding of Intangible Cultural Heritage?

Tuesday, 26 November, 4:00 to 5:30 pm (CET)

Join Zoom: <https://us06web.zoom.us/j/85180644403>



Curare darts and quiver, Rama, Musée d'ethnographie de Genève, 2017, CC BY-SA 3.0

Background

The questions relating to the safeguarding of intangible cultural heritage (ICH) and its protection by intellectual property are historically intertwined. In the 1970s, when ICH was known as “folklore”, UNESCO sought to tackle simultaneously all the issues its protection could raise, whether economic, social, or cultural.¹ In 1978, the urge was felt to single out cultural issues, namely those relating to the identification, documentation, and preservation of ICH, from the problems related to its exploitation.² From this point forward, the study of ICH in international law split into two branches.

The first branch, entrusted to UNESCO, endorsed an overall approach to study the safeguarding of ICH, which led to the adoption in 2003 of the Convention on the Safeguarding of the ICH (the 2003 Convention). The second branch was dedicated to examining a protection as intellectual property in association with the World Intellectual Property Organization (WIPO). Progressively, both branches were disconnected and at the end of the twentieth century, WIPO launched a reflection on the intellectual property issues that arise in the context of the protection of traditional knowledge³, which triggered the establishment in 2000 of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC committee).

After more than twenty-five years of studies on the issue of the protection of genetic resources, traditional knowledge, and traditional cultural expressions, the international community adopted in May 2024 the WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge.⁴ Consequently, the 2003 Convention and the new WIPO treaty partially overlap as they both encompass as subject matter traditional knowledge associated with genetic resources, such as the use of a traditional herbal medicinal plant to fight fatigue.

The goal of this webinar is to present what this new treaty means for the safeguarding of ICH in simple understandable terms by highlighting key concepts and explaining how it can affect ICH bearers, practitioners and cultural heritage professionals.

¹ See Intergovernmental Copyright Committee and the Berne Union, *Consideration of the possibility of establishing an international instrument for the protection of folklore*, 1975, B/EC/IX/11, IGC/XR.1(1971)/15.

² Intergovernmental Committee of the Universal Copyright Convention, *Report of the second session* (Paris, 18 May 1978) IGC(1971)/II/20, para 192.

³ WIPO, *Intellectual Property Needs and Expectations of Traditional Knowledge Holders: WIPO Report on Fact-Finding Missions on Intellectual Property and Traditional Knowledge (1998–1999)* (WIPO 2001).

⁴ Wend Wendland, “The New WIPO Treaty 25 Years in the Making: What Does It Mean and What Happens Next?”, *WIPO Magazine*, October 2024, https://www.wipo.int/wipo_magazine_digital/en/2024/article_0017.html.

Speakers' biographies



Martín MICHAUS ROMERO - Of Counsel, Basham, Ringe and Correa, S.C. Specializing in Intellectual Property

Former President of the Mexican Association for the Protection of Intellectual Property (AMPMI) and of the Mexican Group of the International Association for the Protection of Intellectual Property (AIPPI). Former President of the Interamerican Association of Intellectual Property (ASIMI). Panelist of the Arbitration and Mediation Center of the World Intellectual Property Organization (WIPO). Arbitrator of the Independent Film & Television Alliance (IFTA). Member of the Association for Teaching and Research in Intellectual Property (ATRIP). He currently chairs the Committee on Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions of AIPPI.

Professor of Intellectual Property in the Postgraduate programs of the Universidad Anahuac and Panamericana. As well as in the Diploma of Ethics and Compliance of the Tecnológico de Monterrey in Mexico. Member of the International Academic Council of the Master of Industrial Property, Intellectual Property, Competition and New Technologies of the Instituto Superior de Derecho y Economía (ISDE) in Madrid, Spain and Member of the Academic Committee and of the Editorial Board of the "Iberoamerican Journal of Intellectual Property" of the Universidad Austral in Buenos Aires, Argentina. Member of Honor of AIPPI



Wend WENDLAND - Director, World Intellectual Property Organization (WIPO)

Wend Wendland has more than 30 years' experience in intellectual property, in both the private and public sectors. As a Director of the World Intellectual Property Organization (WIPO), he has for many years devoted himself to multilateral norm-setting and capacity-building at the interface between intellectual property and global challenges such as biodiversity, food and agriculture, cultural heritage and human rights. He is the Secretary of the WIPO Intergovernmental Committee on Intellectual Property, Genetic Resources and Folklore (the IGC), and was directly involved in the adoption in May 2024 of the WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge. Mr. Wendland is passionate about economic, social and cultural development in developing and least-developed countries. In his work, he travels widely and is familiar with the conditions in many countries in all regions. He maintains a wide network of senior-level contacts within government departments, diplomatic missions, regional organizations, industry, civil society and academia. Mr. Wendland is also an Adjunct Professor, Faculty of Law, University of Cape Town, South Africa. Before joining WIPO, he practiced law as a partner of a leading South African law firm, Webber Wentzel, from 1987 to 1997.

He publishes extensively and is a frequent speaker at conferences. He was born in Cape Town and resides in Geneva, Switzerland.