

Community Resources

Intellectual Property, International Trade and
Protection of Traditional Knowledge

Johanna Gibson



Community Resources Intellectual Property International Trade And Protection Of Traditional Knowle

Roman Wölfel



Community Resources Intellectual Property International Trade And Protection Of Traditional Knowle:

Community Resources Johanna Gibson, 2016-12-05 Protection of traditional knowledge and resources is of critical concern not only to the groups involved but also to the international trading community for which these resources are of increasing economic importance This work examines the concept of community intellectual property models and additional sources for protection at international law including environmental and human rights frameworks Intellectual property law is critiqued as an inadequate framework to address the fundamental object of protection for the communities themselves the management of traditional use as well as the biological and cultural sustainability of this use The work sets out an international framework based on the concept of community resources recognizing the unique claims embodied in traditional knowledge incorporating customary law and facilitating community management of resources International in perspective and scope the book will be a valuable resource for academics and researchers in law international relations and cultural studies

Community Resources Johanna Gibson, 2004 *Community Resources* Johanna Gibson, 2004 *Traditional Knowledge, Traditional Cultural Expressions, and Intellectual Property Law in the Asia-Pacific Region* Christoph Antons, 2009-01-01 Among the many contentious matters thrown up by the relentless march of economic globalization those forms of knowledge variously known as indigenous or traditional remain seriously threatened despite numerous transnational initiatives and highly publicized debate It is not proving easy to bring these holistic worldviews into accordance with the technical terms and classifications of intellectual property law The contributions in this volume contrast efforts to find solutions and workable models at the international and regional level with experiences on the ground Legal policies related to indigenous knowledge in settler societies such as Australia and New Zealand are compared with those in densely populated neighbouring countries in Asia where traditional knowledge is often regarded as national heritage While many of the chapters are written by lawyers using an interdisciplinary approach other chapters introduce the reader to perspectives from disciplines such as legal sociology and anthropology on controversial issues such as the understandings of art culture tradition customary law and the opportunities for traditional cultural knowledge and traditional cultural expressions in an Internet environment Experienced observers of the international debate and regional experts discuss international model laws as well as legislation at regional and national level and the role of customary law Topics covered include the following and much more the concept of farmers rights biodiversity and bioprospecting traditional knowledge as a commodity encounters between different legalities geographical indications registration requirements sanctions remedies and dispute resolution mechanisms the ongoing fragmentation and loss of traditional knowledge and systems of data collection

Towards an Ecological Intellectual Property David J Jefferson, 2020-06-08 This book focuses on analysing how legal systems set the terms for interactions between human beings and plants The story that the book recounts is one of experimental lawmaking in Ecuador a country where over the past decade governmental officials and civil society advocates

have attempted to reconfigure how human individuals and institutions relate to nature by following an eco centric approach to lawmaking In doing so Ecuadorian legislators administrators and judges have taken seriously the ontologies of non human entities including plants through a process that has required the continuous navigation of tensions with certain logics that pervade conventional legal regimes The book endeavours to disrupt these conventional assumptions and approaches to lawmaking by taking seriously alternative strategies to reconstitute interactions between people and plants In doing so the book argues in favour of an ecological turn in laws that govern vegetal life The analysis is based on a close examination of the experiences that lawmakers in Ecuador have had when experimenting with innovative approaches to re form relationships between human and non human beings Concretely these experiments have yielded constitutional legislative and regulatory changes that inform the inquiry of how intellectual property and plant genetic resources laws both in Ecuador and worldwide could become more ecological in nature The argument that the book develops is based on extensive ethnographic fieldwork and empirical research in Ecuador complemented by archival and doctrinal legal analysis The contents of the book will be of interest to an academic audience of legal scholars and postgraduate students in law in addition to scholars and students in the fields of anthropology sociology socio legal studies and science and technology studies Indigenous Intellectual Property Matthew Rimmer,2015-12-18 Taking an interdisciplinary approach unmatched by any other book on this topic this thoughtful Handbook considers the international struggle to provide for proper and just protection of Indigenous intellectual property IP In light of the United Nations Declaration on the Rights of Indigenous Peoples 2007 expert contributors assess the legal and policy controversies over Indigenous knowledge in the fields of international law copyright law trademark law patent law trade secrets law and cultural heritage The overarching discussion examines national developments in Indigenous IP in the United States Canada South Africa the European Union Australia New Zealand and Indonesia The Handbook provides a comprehensive overview of the historical origins of conflict over Indigenous knowledge and examines new challenges to Indigenous IP from emerging developments in information technology biotechnology and climate change Practitioners and scholars in the field of IP will learn a great deal from this Handbook about the issues and challenges that surround just protection of a variety of forms of IP for Indigenous communities Returning (to) Communities ,2016-08-22 Returning to Communities offers an innovative collection of examples and case studies into what has become a hotly disputed topic The chapters present a wide ranging series of interventions into the new debates over the concepts and practices of community and the communal For this book scholars have been gathered from across Europe and Australia as well as from the United States and several contributors are involved in community practice Returning to Communities is essential reading to researchers and students in social policy sociology ethnic studies cultural analysis media studies and across all of the social sciences and humanities concerned with the communal and the collective Dilemmas of Intellectual Property Discourse in Sri Lanka Asanka Perera,2024-08-21 This book examines global and national lawmaking in Sri Lanka through

three case studies patent examination plant variety laws and technology innovation It evaluates how various lawmakers influence intellectual property law to support innovation and development in Sri Lanka The book explores Sri Lanka's intellectual property laws and the mismatch between its international obligations such as Trade Related Aspects of Intellectual Property Agreement TRIPS and the Patent Cooperation Treaty PCT and their implementation It examines the repercussions of this mismatch and provides insights for the future of Sri Lanka and other small developing countries Based on socio legal research the book reveals the nature of local and global discourses and the lawmaking processes regarding intellectual property in Sri Lanka While international law advocates strong standards for inventiveness in patent examination plant breeders rights and technology transfer to support high tech development Sri Lanka has been reluctant to implement such laws This book is a crucial resource for researchers policymakers and legal professionals interested in intellectual property law innovation ecosystems and the socio legal aspects of lawmaking in developing countries *New Directions in Copyright Law* Fiona Macmillan, Kathy Bowrey, 2006-08-29 This book the third in the series follows the themes considered in the first two volumes and brings together perspectives on copyright from law politics economics cultural studies and social theory in an effort to forge a truly coherent and meaningful agenda for the future of copyright It comprises thoughtful critical and often challenging contributions from an international multidisciplinary network of scholars Ancient Indigenous Human Remains and the Law Fiona Batt, 2021-08-25 Indigenous peoples are increasingly making requests for the return of their ancestors human remains and ancient indigenous deoxyribonucleic acid However some museums and scientists have refused to repatriate indigenous human remains or have initiated protracted delays There are successful examples of the return of ancient indigenous human remains however the focus of this book is an examination of the hard cases The continued retention perpetuates cultural harm and is a continuing violation of the rights of indigenous peoples Therefore this book develops a litigation Toolkit which can be used in such disputes and includes legal and quasi legal instruments from the following frameworks cultural property cultural heritage cultural rights collective heritage intellectual property Traditional Knowledge and human rights The book draws on a process of recharacterisation Recharacterisation is to be understood to mean the allocation of an indigenous peoples understanding and character of ancient indigenous human remains and ancient indigenous DNA in order to counter the property narrative articulated by museums and scientists in disputes

Community Resources Johanna Gibson, 2005 Protection of traditional knowledge and resources is of critical concern not only to the groups involved but also to the international trading community for which these resources are of increasing economic importance This work examines the concept of community intellectual property models and additional sources for protection at international law including environmental and human rights frameworks Intellectual property law is critiqued as an inadequate framework to address the fundamental object of protection for the communities themselves the management of traditional use as well as the biological and cultural sustainability of this use The work sets out an

international framework based on the concept of community resources recognizing the unique claims embodied in traditional knowledge incorporating customary law and facilitating community management of resources International in perspective and scope the book will be a valuable resource for academics and researchers in law international relations and cultural studies

Free Trade and Cultural Diversity in International Law Jingxia Shi, 2013-04-30 This book attempts to reconcile the concept of free trade with a key non trade social value cultural diversity in an era of economic globalisation It first shows how we can look at culture in many different ways and explains why we should care about cultural diversity The book then examines the challenges that policymakers are faced with in formulating cultural measures in the new media environment and analyses UNESCO s theories and approaches to cultural diversity This is followed by a comprehensive examination of the treatment of culture in global and regional trade agreements including the framework of the GATT WTO system the WTO s judicial practice involving cultural products and the treatment of culture under the EC EU and NAFTA This identifies the challenges trade norms encounter in dealing with cultural products The author seeks to formulate a balanced view of the challenge of protecting and promoting cultural diversity while also recognising the important goal of trade liberalisation To this end Professor Shi proposes a dual method through which the norms found in WTO agreements and in UNESCO cultural instruments may be brought into alignment the first highlighting the compatibility of cultural policy measures with trade obligations on a domestic level the second suggesting potential linkages between the WTO rules and the UNESCO Convention from the perspectives of treaty interpretation

Environmental Resilience and Food Law Gabriela Steier, Alberto Giulio Cianci, 2019-08-13 Agrobiodiversity and agroecology go hand in hand in promoting environmental resilience in international food systems as well as climate change resilient food policy This book contextualizes how various legal frameworks address agrobiodiversity and agroecology around the globe and makes it accessible for audiences of students practitioners educators and scholars Some chapters focus on the legal regulation of agroecology from a food law perspective Others are geared toward providing regulators lawmakers and attorneys with the scientific and policy background of those concepts so that they are equipped in the field of food law in everyday practice and policy Climate change dimensions of the issues are woven throughout the book

Intellectual Property, Trade and Development Daniel Gervais, 2007 This book provides a comprehensive analysis of the latest legal economic political and social research and advanced current thinking on the relationship between intellectual property and trade and development It starts with coverage of the theoretical basis of the connections between intellectual property trade and development It presents options as to how intellectual property rules can be incorporated in the local legal framework and how the positive impact of intellectual property standards can be maximized while minimizing welfare costs It includes implementation strategies for TRIPS and TRIPS Plus norms and also the use of measures outside the traditional scope of intellectual property norms These measures range from education to the establishment or enhancement of a solid industrial and research base to fighting

pandemics such as HIV AIDS Possible economic strategies and proposals are also offered on the protection of traditional knowledge and indigenous resources *World Copyright Law* J. A. L. Sterling, 2008 These reports comprise decisions in higher courts on road traffic law Sources include The House of Lords Privy Council Court of Appeal Civil and Criminal Division Courts Martial Appeal Court Divisions of the High Court and relevant decisions of the European Court of Justice

The Common Property Resource Digest, 2005 *The Holy Cross Journal of Law and Public Policy*, 2007

Intellectual Property Needs and Expectations of Traditional Knowledge Holders World Intellectual Property Organization (WIPO), 2000 This report presents information compiled by the World Intellectual Property Organization WIPO from nine fact finding missions conducted by WIPO in 1998 and 1999 on the intellectual property IP needs and expectations of holders of traditional knowledge The fact finding missions FFM were designed to enable WIPO to identify the IP needs and expectations of traditional knowledge holders The purpose of this report is to provide information to WIPO Member States holders of traditional knowledge including indigenous peoples the private sector intergovernmental and non governmental organizations academic and research institutions and other interested parties on the IP needs and expectations of traditional knowledge holders expressed to WIPO during the fact finding missions The main body of the report is contained in three parts Framing the IP Needs and Expectations of Traditional Knowledge Holders Identifying the IP Needs and Expectations of Traditional Knowledge Holders Results of the Nine Fact Finding Missions and Summary Reflections and Conclusions Annexes to the report include the following Contracting Parties of Treaties Administered by WIPO Terms of Reference for FFMs Table of Countries Visited WIPO Interim Mission Reports Recommendations and Resolutions on the Protection of Expressions of Folklore List of States Organizations and Persons Submitting Formal Comments on Draft Report and Bibliography Contains 126 references AEF Current Publications in Legal and Related Fields, 2006 **Protecting and Promoting Traditional Knowledge** Sophia Twarog, Promila Kapoor, 2004 Consists of papers presented at a conference on traditional knowledge in 2000

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Introduction

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