

EXECUTIVE COMMITTEE OF THE  
INTERNATIONAL UNION FOR THE PROTECTION  
OF LITERARY AND ARTISTIC WORKS  
(BERNE UNION)

INTERGOVERNMENTAL COMMITTEE OF THE  
UNIVERSAL COPYRIGHT CONVENTION

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Item II.15 of the Provisional Agenda of the Intergovernmental Committee  
of the Universal Copyright Convention

Item 13 of the Provisional Agenda of the Executive Committee of the Berne Union

PROTECTION OF FOLKLORE:  
WORKING GROUPS ON THE INTELLECTUAL PROPERTY  
ASPECTS OF FOLKLORE PROTECTION

1. Pursuant to the deliberations of the Executive Committee of the International Union for the Protection of Literary and Artistic Works (Berne Union) and the Intergovernmental Committee of the Universal Copyright Convention at their sessions from 5 to 9 February 1979 and to the decisions of the respective governing bodies of Unesco and WIPO, the Secretariat of Unesco and the International Bureau of WIPO convened a Working Group on the Intellectual Property Aspects of Folklore Protection, which met in Geneva from 7 to 9 January 1980, to study a draft of model provisions intended for national legislation as well as international measures for the protection of works of folklore.
2. In conclusion, this working group recommended, in respect of the said model provisions, that a revised draft of model provisions for national laws on the above subject and commentary thereon should be prepared by the two Secretariats and presented for further consideration at a subsequent meeting. As far as the international aspects are concerned, the working group strongly recommended that the Secretariats, while continuing the study of the intellectual property aspects of folklore protection at the international level, should endeavour in the first stage to identify on a regional basis the possibilities of protection of folklore. Simultaneously, the ongoing studies being undertaken by Unesco in the framework of a global and interdisciplinary approach, should be continued and utilized in so far as they concern the intellectual property aspects of the protection of folklore.
3. In pursuance of the first part of the working group's conclusion, the Secretariat of Unesco and the International Bureau of WIPO prepared the said revised text and commentary thereon and jointly convened the second meeting of the Working Group

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on the Intellectual-Property Aspects of Folklore Protection, composed of the same group of experts, for consideration of the same. This second meeting of the aforementioned working group was held at Paris from 9 to 13 February 1981. The working group adopted the model provisions for national laws on the protection of expressions of folklore which, along with the commentary thereon to be revised by the two Secretariats, will be presented for further consideration at the meeting of governmental experts to be convened jointly by Unesco and WIPO from 28 June to 2 July 1982. The report of the Working Group on Intellectual Property Aspects of Folklore Protection, which includes, as its Annex I, the text of the said model provisions for national laws on the protection of expressions of folklore, is annexed to this document.

4. Besides, in pursuance of Unesco's Approved Programme and Budget for 1981-1983, as well as of the decision taken by the governing bodies of WIPO, three working groups will be convened jointly by Unesco and WIPO in 1981, 1982 and 1983 in Latin America and the Caribbean, Africa and Asia respectively, to seek means for applying the proposals drawn up for regulating the "intellectual property" aspects of the protection of folklore. The Working Group for Latin America and the Caribbean was held in Bogotá, Colombia from 14 to 16 October 1981.
5. In accordance with the decision taken by the two Intergovernmental Copyright Committees at their November/December 1977 sessions, the Secretariat of Unesco has undertaken a global and interdisciplinary study of all aspects - cultural, social, legal, etc. - of folklore. As a start in that direction Unesco has just completed a survey through an inquiry made to the states in accordance with paragraph 5022 of the programme under resolution 5/9.2/1 adopted by the General Conference at its twentieth session. The results of that survey are in the process of being analysed by the Secretariat of Unesco for submission to the Committee of Governmental Experts which is being convened by Unesco from 22 to 26 February 1982 to analyse "on an interdisciplinary basis within the framework of an overall approach' various aspects of folklore "with a view to defining measures to safeguard the existence, development and authenticity of folklore and traditional popular culture and to protect them against the risk of distortion".
6. Furthermore, by resolution 5/03, the General Conference of Unesco, at the twenty-first session, considered "...it desirable that measures designed to safeguard the existence and development of folklore and to protect it against the risk of distortion should be laid down in international regulations"; and invited "... the Director-General to prepare a preliminary study on the technical and legal aspects of this question, in the light of the findings of the Committees of Governmental Experts scheduled in 1981<sup>(1)</sup> and 1982, with a view to submitting it to the General Conference at its twenty-second session". The General Conference will then decide whether it would be advisable to regulate this question on an international basis.

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(1) This is the Committee mentioned in paragraph 5, which was first scheduled for 1981 and has now been fixed for 22 to 26 February 1982.