

**UNESCO-WIPO/FOLK/PKT/97/INF.1**

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DEPARTMENT  
OF INTELLECTUAL PROPERTY  
GOVERNMENT OF THAILAND



UNITED NATIONS EDUCATIONAL,  
SCIENTIFIC AND CULTURAL  
ORGANIZATION



WORLD INTELLECTUAL  
PROPERTY ORGANIZATION

## **UNESCO-WIPO WORLD FORUM ON THE PROTECTION OF FOLKLORE**

organized by  
the United Nations Educational, Scientific and Cultural Organization (UNESCO)

and  
the World Intellectual Property Organization (WIPO)

in cooperation with  
the Department of Intellectual Property,  
Ministry of Commerce,  
Government of Thailand

Phuket, Thailand, April 8 to 10, 1997

**GENERAL INFORMATION AND PRELIMINARY PROGRAM**

*Document prepared by the Secretariat of UNESCO and the International Bureau of WIPO*

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Background

1. In the 1970's and 1980's, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Intellectual Property Organization (WIPO) organized a series of meetings concerning the legal protection of folklore, as a result of which the UNESCO/WIPO Committee of Governmental Experts on the Intellectual Property Aspects of the Protection of Expressions of Folklore (Geneva, June 28 to July 2, 1982) adopted the Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and other Prejudicial Actions.
2. On the other hand, UNESCO's activities with regard to the safeguarding of folklore ended with the adoption by the General Conference of UNESCO at its 25th Session in 1989 of the Recommendation on the Safeguarding of Traditional Cultures and Folklore, providing for measures that may be taken by the States for the identification, conservation, preservation and dissemination of folklore, its protection and the development of international cooperation. The Organization conducts a regional program on the collection, preservation and dissemination of folklore as an integral part of the intangible heritage of humanity.
3. On the basis of the above-mentioned Model Provisions and Recommendation, a number of member States of UNESCO and WIPO—particularly, developing countries—have introduced legal, administrative and other measures for the preservation and protection of folklore.
4. During the joint sessions of the WIPO Committee of Experts on a Possible Protocol to the Berne Convention and the WIPO Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms, held in Geneva in February 1996, the delegations of a number of developing countries expressed the view that the issues of the protection of expressions of folklore should be addressed again at the international level. As a result of the discussions that followed, the Committees unanimously adopted the following recommendations: “The Committees recommend to the Governing Bodies of WIPO that provision should be made for the organization of an international forum in order to explore issues concerning the preservation and protection of expressions of folklore, intellectual property aspects of folklore, and the harmonization of the different regional interests.” (See WIPO document BCP/CE/VI/16-INR/CE/V/14, paragraph 269.)
5. After the adoption of the report, it was stated by some delegations that, due to the subject matter of the proposed forum, the involvement of UNESCO would be desirable.
6. Both the Director General of WIPO and the representative of UNESCO, attending the said joint session of the Committees, expressed readiness to cooperate in this matter, and, in June 1996, final agreement was reached between the two organizations on the joint organization of the “UNESCO/WIPO World Forum on the Protection of Folklore.”

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Venue and dates

7. At the invitation of the Government of Thailand, the World Forum will be organized by UNESCO and WIPO in cooperation with the Department of Intellectual Property, Ministry of Commerce, Government of Thailand.

8. The World Forum will be held in Arcadia Hotel & Resort, Karon Beach, Phuket, Thailand (Tel.: (076) 396222-33; fax: (076) 396136).

9. The meetings of the World Forum will begin at 10.00 a.m. on Tuesday, April 8, 1997, and will end at about 2.00 p.m. on Thursday, April 10, 1997.

Program

10. The preliminary program of the World Forum appears at the end of this document. The topics to be discussed are as follows: preservation and conservation of expressions of folklore; legal means of protection of folklore in national legislation; economic exploitation of expressions of folklore; and international protection of expressions of folklore.

11. Discussions will be based on presentations to be made by a number of outstanding folklore and intellectual property experts of the various regions of the world, and, as far as the topic of international protection of expressions of folklore is concerned, by UNESCO and WIPO officials. To the extent of availability of time, the members of the audience will also have the opportunity to participate in the discussions.

12. Simultaneous interpretation will be provided in English, French and Spanish.

Participation and registration

13. UNESCO and WIPO invite all their member States and all the intergovernmental organizations and non-governmental organizations having observer status with one or both of them.

14. Furthermore, the World Forum is open to everybody without any registration fee.

15. A registration form is attached; further copies are available from the persons indicated in paragraph 17, below. The registration forms should be sent to WIPO (by participants from countries other than Thailand), or to the Department of Intellectual Property, Ministry of Commerce, Government of Thailand (by participants from Thailand only) before *March 14, 1997*.

16. The registration form also contains information concerning hotel reservations.

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Further information

17. Further information on organizational matters concerning the World Forum may be obtained from: Mr. Patrick Masouyé, Head, Copyright (Special Projects and Planning) Section, World Intellectual Property Organization (WIPO), 34, chemin des Colombettes, 1211 Geneva 20, Switzerland; tel.: (41 22) 730 94 30; fax: (41 22) 734 09 18; from Mr. Emile-Hervé Glélé, Legal Assistant, Book and Copyright Division, United Nations Educational, Scientific and Cultural Organization (UNESCO), 1, rue Miollis, 75732 Paris Cedex 15, France; tel.: (33 1) 45 68 47 45; fax: (33 1) 45 68 55 89; and from Mr. Weerawit Weeraworawit, Director, Technical and Planning Division, Department of Intellectual Property, Ministry of Commerce, Miss Uraivan Ngowroongrueng, Chief of the Legal Section, the same Division, Mr. Piset Chiyasak, Senior Legal Officer, the same Division, and Miss Jittima Srithaporn, Trade Analyst, the same Division, 338 Rachadapisek Road, Huay-Khwang, Bangkok, 10320, Thailand; tel.: (662) 276 01 48; fax: (662) 276 00 58.

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Preliminary ProgramTuesday, April 8, 199710:00 Opening Session

Welcoming speech on behalf of the Government of Thailand  
Opening address on behalf of UNESCO  
Opening address on behalf of WIPO

10:45 Break

11:15 First working session: Preservation and conservation of expressions of folkloreModerator: a representative of Thailand

The experience of Africa

Mrs. Betty Mould-Iddrisu, Copyright Administrator, Accra

The experience of the Arab world

Mr. Hatem Touil, Directeur du Centre des musiques arabes et méditerranéennes, Tunis

13:00 Lunch break

15:00 First working session: Preservation and conservation of expressions of folklore (continuation)Moderator: a representative of Thailand

The experience of Asia

Dr. Shubha Chaudhuri, Director, Archives and Research Centre for Ethnomusicology, American Institute of Indian Studies, New Delhi

The experience of the Pacific region

Professor Kamal Puri, University of Queensland, Brisbane

The experience of Latin America and the Caribbean region

Mr. José Iturriaga, Director General de Culturas Populares, Consejo Nacional para la Cultura y los Artes (CONACULTA), Mexico

16:15 Break

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- 16:45           The experience of North America  
                   Mr. Yves Moreau, Folklore Expert, International Council for  
                   Traditional Music (ICTM), Quebec, Canada
- The experience of Western Europe  
                   Mr. Enrique Cámara, Profesor Titular de Etnomúsica,  
                   Departamento de Musicología, Universidad de Valladolid,  
                   Spain
- The experience of Eastern Europe  
                   Mr. Valery A. Tishkov, Director, Institute of Ethnology and  
                   Anthropology, Russian Academy of Science, Moscow
- 18:00           End of discussions

Wednesday, April 9, 1997

- 10:00           Second working session: Legal means of protection of expressions of  
 folklore in national legislation
- Moderator: a representative of WIPO
- Protection by copyright and neighboring rights  
                   Mr. Weerawit Weraworawit, Director, Technical and Planning  
                   Division, Department of Intellectual Property, Ministry of  
                   Commerce, Bangkok
- Protection by industrial property law and by legal provisions  
                   concerning obligations  
                   Mr. Pierre Yves Gautier, Professeur, Université de Paris II
- 11:00           Break
- 11:30           Protection of those who make available and of those who collect  
                   expressions of folklore  
                   Mr. Yasiufumi Sakitani, Director, Department of the Protection  
                   of Patrimony, Agency for Cultural Affairs, Tokyo
- Protection of the collection of expressions of folklore; the role of  
                   libraries and archives  
                   Ms. Marybeth Peters, Register of Copyrights, Copyright Office,  
                   Library of Congress, Washington, D.C.
- 13:00           Lunch break

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15:00 Third working session: Economic exploitation of expressions of folklore

Moderator: a representative of UNESCO

The experience of Africa

Mr. Thomas Manou Yablaih, Directeur de la Culture de  
l'Agence de coopération culturelle et technique (ACCT),  
Directeur du Marché des arts des spectacles africains  
(MASA), Abidjan

The experience of the Americas

Professor Paulo Carvalho-Neto, Anthropologist, Sao Paulo

16:15 Break

16:45 The experience of Asia and the Pacific region

Mr. Hong Yongping, Deputy Director and Associate Professor,  
Policy Research Division, Ministry of Culture, Beijing

The experience of Europe

Mr. Henry Olsson, Special Government Adviser, Ministry of  
Justice, Stockholm

18:00 End of discussions

Thursday, April 10, 1997

10:00 Fourth working session: International protection of expressions of folklore

Moderator: a representative of Thailand

UNESCO's action with a view to safeguarding and promoting  
traditional culture and folklore

Mrs. Noriko Aikawa, Chief of Intangible Heritage Section,  
Division of Arts and Cultural Life, UNESCO, Paris

1967, 1982, 1984: Attempts to provide international protection for  
folklore by intellectual property rights

Dr. Mihály Ficsor, Assistant Director General, WIPO, Geneva

UNESCO's recommendation and the prospects for the international  
protection of folklore

Mr. Salah Abada, Chief of Copyright Section, Book and  
Copyright Division, UNESCO, Paris

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11:30 Break

12:30 Closing Session

Speeches on behalf of the Government of Thailand, UNESCO and WIPO

13:00 Closing of the Forum

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