

Basic Traditional Knowledge Bibliography
LCA TK Conference Prep.
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Books

Intellectual Property Rights for Indigenous Peoples: A Sourcebook (Tom Greaves ed., 1994);

Terri Janke, *Our Culture: Our Future* (Report on Australian Indigenous Cultural and Intellectual Property Rights) (1998).

Safeguarding Traditional Cultures: A Global Assessment (Peter Seitel, ed.)
Center for Folklife and Cultural Heritage, Smithsonian Institution (2001)

Marie Battiste and James Youngblood Henderson, *Protecting Indigenous Knowledge and Heritage: A Global Challenge*, Purich 2000.

Darrell A. Posey and Graham Dutfield, *Beyond Intellectual Property: Towards Traditional Resource Rights for Indigenous Peoples and Local Communities*, International Development Research Center (1996).

Symposium on the Protection of Traditional Knowledge and Expressions of Indigenous Cultures in the Pacific Islands Secretariat of the Pacific Community (2 vols. Noumea 1999 (UNESCO)).

WIPO World Forum on the Protection of Folklore (Phuket, Thailand 1997).

Symposium, Traditional Knowledge, Intellectual Property, and Indigenous Culture, 11 *Cardozo Journal of International and Comparative Law* #2 (Summer 2003).

Tony Simpson, *Indigenous Heritage and Self Determination*, International Work Group for Indigenous Affairs 1997.

Michael F. Brown, *Who Owns Native Culture*, Harvard University Press 2003

Minority Rights Group International, *Report: Intellectual and Cultural Property Rights of Indigenous and Tribal Peoples in Asia* by Michael Bengwayan (2003).

Articles

Keith Aoki, *Neocolonialism, Anticommons Property, and Biopiracy in the (Not-So-Brave) New World Order of International Intellectual Property Protection*, 6 *Ind. J. Global Leg. Stud.* 11 (1998) (from *Symposium: Sovereignty and the Globalization of Intellectual Property*) at <<http://www.oiprc.ox.ac.uk/EJWP1199.pdf>>.

Cathryn A. Berryman, Toward More Universal Protection of Intangible Cultural Property, *J. Intell. Prop. L.* 293 (1994)

Michael Blakeney, "Intellectual Property in the Dreamtime - Protecting the Cultural Creativity of Indigenous Peoples" Oxford Intellectual Property Research Centre (November 1999) (.pdf) at <<http://www.oiprc.ox.ac.uk/EJWP1199.pdf>>.

K. Blaukopf. 1990. "Legal Policies for the Safeguarding of Traditional Music: Are they Utopian?" *The World of Music* XXXII(1):125-133.

J. Blavin, Folklore in Africa, at <<http://cyber.law.harvard.edu/openeconomies/okn/folklore.html>>

Rosemary J. Coombe, Intellectual Property, Human Rights & Sovereignty: New Dilemmas in International Law Posed by the Recognition of Indigenous Knowledge and the Conservation of Biodiversity, 6 *Ind. J. Global Stud.* 59 (1998)

Erica-Irene Dais, Intellectual Property and Indigenous Peoples, 95 *Am. Soc'y Int'l L. Proc.* 143 (2001)

J. Disini, Survey of Law on Traditional Knowledge in South East Asia at <<http://cyber.law.harvard.edu/openeconomies/okn/asiatk.html>>

David R. Downes, How Intellectual Property Could Be a Tool to Protect Traditional Knowledge, 25 *Colum. J. Envtl. L.* 253 (2000)

Graham Dutfield, TRIPS-Related Aspects of Traditional Knowledge, 33 *Case W. Res. J. Int'l L.* 233 (2001).

Christine Haight Farley, "Protecting Folklore of Indigenous Peoples: Is Intellectual Property the Answer?" 30 *Connecticut Law Review* 1 (1997).

Daniel Gervais, The Internationalization of Intellectual Property: New Challenges from the Very Old and the Very New, 12 *Fordham Intell. Prop. Media & Ent. L.J.* 929 (2002).

Colin Golvan, Aboriginal Art and Copyright-An Overview and Commentary Concerning Recent Developments, 1 *Media & Arts L. Rev.* 151 (1996)

Colin Golvan, Aboriginal Art and the Public Domain, 9 *J.L. & Info. Sci.* 122 (1998) (discussing Australian native title legislation), available at http://www.jlis.law.utas.edu.au/v9i1aboriginal_art.html (last visited Nov. 25, 2003);

S. Gray, Enlightenment or Dreaming? Attempting to Reconcile Aboriginal Art and European Law, 1992 Law Institute Journal 47.

N. Guy. 2002. "Trafficking in Taiwan Aboriginal Voices." In Handle with Care: Ownership and Control of Ethnographic Materials. S. R. Jaarsma, ed. Pp. 195-210. Pittsburgh: University of Pittsburgh Press.

William J. Hapiuk, Jr., Of Kitsch And Kachinas: A Critical Analysis Of The Indian Arts And Crafts Act Of 1990, 53 Stan. L. Rev. 1009, 1037-8 (2001)

Martin Hardie, Current Litigation in Native Title and Intellectual Property: Bulun Bulun and Milpurrurru v. R & T Textiles, 3 Aboriginal L. Bull. 18 (1997);

Chong Hui-yeung, IPR Draft Law for Aborigines Under Attack, Taipei Times, Aug. 23, 2000, at 4 (discussing the draft of the Protection of Traditional Aboriginal Intellectual Property Rights Law, which is intended to protect the art and folklore of Taiwanese Aborigines), available at <http://www.taipetimes.com/News/local/archives/2000/08/23/49186> (last visited Nov. 25, 2003).

Alan Jabbour, Folklore Protection and National Patrimony: Developments and Dilemmas in the Legal Protection of Folklore, 17 Copyright Bull. 13 (1964?)

Paul Kuruk, Protecting Folklore Under Modern Intellectual Property Regimes: A Reappraisal of the Tensions Between Individual Rights and Communal Rights in Africa, 48 American L. Rev. 769 (1999).

Lenora Ledwon, Native American Life Stories and "Authorship": Legal and Ethical Issues, 9 St. Thomas L. Rev. 69 (1996).

Doris Estelle Long, The Impact of Foreign Investment on Indigenous Culture: An Intellectual Property Perspective, 23 N.C. J. Int'l L. & Com. Reg. 229 (1998)

Ian McDonald, UNESCO-WIPO World Forum on the Protection of Folklore: Some Reflections and Reactions, Copyright Reporter, 1997

John Henry Merryman, The Retention of Cultural Property, 21 U.C. Davis L. Rev. 477 (1988).

S. Mills. 1996. "Indigenous Music and the Law: An Analysis of National and International Legislation." Yearbook for Traditional Music . 57-86.

Lucy M. Moran, Intellectual Property Law Protection for Traditional and Sacred "Folklife Expressions" – Will Remedies Become Available to Cultural Authors and Communities?, 6 U. Balt. Intell. Prop. L.J. 99 (1998).

C. O'Brien, Protecting Secret Sacred Designs – Indigenous Culture and Intellectual Property Law, 2 Media and Arts Law Review 57 (1997)

Ralph Oman, Folkloric Treasures: The Next Copyright Frontier?, Association of Teachers and Researchers in Intellectual Property, ATRIP Annual Meeting, 1998.

Jon Keith Parsley, Regulation of Counterfeit Indian Arts and Crafts: An Analysis of the Indian Arts and Crafts Act of 1990, 18 Am. Indian L. Rev. 487, 497-509 (1993).

Miriam Latorre Quinn, Protection for Indigenous Knowledge: An International Law Analysis, 14 St. Thomas L. Rev. 287 (2001)

Kamal Puri, Protection of Traditional Culture and Folklore (UNESCO)

Kamal Puri, Copyright Protection for Australian Aborigines in the Light of Mabo, in Stephenson and Ratnapala (eds.), Mabo: A Judicial Revolution (U. Queensland Press) (1993).

Srividhya Ragavan, Protection of Traditional Knowledge, 2 Minn. Intell. Prop. Rev. 1 (2001)

Angela R. Riley, "Recovering Collectivity: Group Rights to Intellectual Property in Indigenous Communities," 18 Cardozo Arts and Entertainment Law Journal 175 (2000);

Susan Scafidi, Intellectual Property and Cultural Products, 81 B.U. L. Rev. 793 (2001)

Madhavi Sunder, Intellectual Property and Identity Politics: Playing with Fire, 4 J. Gender, Race & Justice 69 (2000)

M. Catherine Vernon, Common Cultural Property: The Search for Rights of Protective Intervention, 26 Case W. Res. J. Int'l L. 435 (1994).

Coenraad Visser, Panel Remarks at Fordham Law School Symposim on Global Intellectual Property Rights, in The Law and Policy of Protecting Folklore, Traditional Knowledge, and Genetic Resources, 12 Fordham Intell. Prop. Media & Ent. L.J. 753, 768 (2002). He goes on to suggest that the "solution... seems to be to tag... [s]o you would list in the database only the items that are available for the transfer of technology." Id.

J.C. Weiner, Protection of Folklore: A Political and Legal Challenge, 18 Int'l Rev. Indus. Prop. & Copyright 67 (1987).

Seigfried Wiessner and Marie Battiste, The 2000 Revision of the United Nations Draft Principles and Guidelines on the Protection of the Heritage of Indigenous People, 13 St. Thomas L. Rev. 383 (2000).

IGO Sites and Bibliographies

Bibliography of Electronic Materials:

<http://pcmplp.socleg.ox.ac.uk/Folklore/links.html>

WIPO, Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore: Intergovernmental Committee (IGC) Overview: Establishment and Mandate, at <http://www.wipo.int/globalissues/igc/index.html> (last visited Mar. 6, 2003).

WIPO, Matters Concerning Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore--An Overview, WIPO/GRTKF/IC/1/3 (Mar. 16, 2001) [hereinafter WIPO overview document].

WIPO, Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (6th Session, 2004): Traditional Cultural Expressions/Expressions of Folklore: Legal and Policy Options. (WIPO/GRTKF/IC/6/3 (2003)

Draft Declaration of the Rights of Indigenous Peoples, Commission on Human Rights

Report on the International Protection of Expressions of Folklore Under Intellectual Property Law, European Commission's Internal Market Directorate-General, report prepared by Stephen Palethorpe and Stefaan Verhulst, Programme in Comparative Media Law and Policy, University of Oxford.

Stopping the Rip-Offs: Intellectual Property Protection for Aboriginal and Torres Strait Islander Peoples, Issues Paper, Oct. 1994, Commonwealth of Australia: [www.ag.gov.au/
www/securitylawHome.nsf/0/928CC18364433E50CA256C32002156CE?OpenDocument](http://www.ag.gov.au/www/securitylawHome.nsf/0/928CC18364433E50CA256C32002156CE?OpenDocument)

1967 Stockholm Conference on Berne Convention – 15(4)

1976 Tunis Model Law on Copyright for Developing Countries

1981 Aboriginal Folklore Model

1985 Model Provisions for the National Laws on the Protection of Expression of Folklore against Illicit Exploitation and Other Prejudicial Actions Problems

1989 UNESCO Recommendations on the Safeguarding of Traditional Culture and

Folklore

1997 Phuket Forum on Folklore

1999 WIPO Geneva Roundtable – Traditional Knowledge

<http://www.wipo.int/tk/en/index.html>

2001 Doha Declaration – WTO to investigate intersection of TRIPS and folklore

Kari-Oca Declaration (1992)

Mataauta Declaration (1993) - <http://www.ankn.uaf.edu/mataatua.html>

Sabah Declaration (1995)

Bellagio Declaration (1993)

Thammasat Declaration (1994)

Suva Declaration (1995)

Bibliography: Museums and Intangible Heritage

(http://icom.museum/biblio_intangible.html)

UNESCO

http://www.unesco.org/culture/heritage/intangible/html_fr/index_fr.shtml

ICOMOS

http://www.international.icomos.org/icomos/victoriafalls2003/articles_eng.htm

http://www.international.icomos.org/icomos/centre_documentation/intangible.doc

http://www.icomos-ciic.org/CIIC/pamplona/SUMARIO_itinerarios.htm

European Institute of Cultural Routes

<http://www.culture-routes.lu/>

National Laws (selective)

Belgium

<http://www.cfwb.be/patrimoine/>

Brazil

<http://www.iphan.gov.br>

Canada

International Network on Cultural Policy. Annual Ministerial Meeting

<http://www.incp-ripc.org>

<http://www.mcc.gouv.qc.ca/pamu/champs/ethno/ethnos4.htm>

Folklore Studies Association of Canada
<http://www.fl.ulaval.ca/celat/acef/patrimoine.htm>

Japan
UNESCO Japanese Trust Fund for the Preservation and Promotion of Intangible Heritage
<http://www.mofa.go.jp/policy/culture/heritage>

Panama
Universidad de Panamá. Instituto de Estudio de Tradiciones étnicas y culturales. 2o Congreso Internacional de Folclore. Santiago de Veraguas, Panama, 24-28 de junio de 2003 "La Conservación del patrimonio inmaterial de América Latina. en el siglo XXI"
<http://www.naya.org.ar/eventos/2cifp.htm>

Paraguay
Segundas Jornadas del Mercosur sobre el patrimonio intangible, Ayolas, Misiones, Paraguay, abril de 2000: Declaración.
http://1999.arqa.com/informa/seg_jorn.htm

Peru
<http://inc.perucultural.org.pe/>
<http://www.up.ac.pa/unidadesacademicas/sedes/veraguas/inestec/congresoinec/menucongreso.htm#AREAS>

Switzerland
International Directory of Intangible Cultural Heritage
<http://www.culturaldiversity.cioff.ch/fr/index.html>

Additional Legislative Texts on the Protection of TK
<http://www.wipo.int/tk/en/laws/index.html>

Other Places to Turn

PDFs of numerous recent articles: <http://www.iprsonline.org/resources/tk.htm>

Intellectual Property Rights and Indigenous Peoples: Annotated Bibliography:
<http://regionalworlds.uchicago.edu/AnnotBibJerome.pdf>

WIPO Traditional Knowledge Bibliography:
<http://www.wipo.int/tk/en/studies/cultural/expressions/bibliography/index.html>

Cases/Case Studies

<http://www.wipo.int/tk/en/studies/cultural/minding-culture/studies/index.html>