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DATE: December 2009

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4/5/2012



DEPARTMENT OF INTELLECTUAL PROPERTY
MINISTRY OF COMMERCE
GOVERNMENT OF THAILAND

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24/11 - 2012
WORLD INTELLECTUAL
PROPERTY ORGANIZATION

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13/6/2012

**WIPO REGIONAL SEMINAR ON INTELLECTUAL PROPERTY (IP) AND
TRADITIONAL KNOWLEDGE (TK), GENETIC RESOURCES (GRs) AND
TRADITIONAL CULTURAL EXPRESSIONS (TCEs)**

organized by
the World Intellectual Property Organization (WIPO)
in cooperation with
the Department of Intellectual Property (DIP),
Ministry of Commerce,
Government of Thailand

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14/12/09

Bangkok, December 16 and 17, 2009

GENERAL INFORMATION FOR PARTICIPANTS

prepared by the International Bureau for WIPO

THE SEMINAR

1. The World Intellectual Property Organization (WIPO) Regional Seminar on Intellectual Property (IP) and Traditional Knowledge (TK), Genetic Resources (GRs) and Traditional Cultural Expressions (TCEs), is organized by WIPO in cooperation with the Department of Intellectual Property (DIP), Ministry of Commerce, Government of Thailand.

VENUE AND DATES

2. The Seminar will be held in Bangkok, Thailand, on December 16 and 17, 2009, at the following hotel:

Holiday Inn Silom Bangkok
981, Silom Road
Bangkok 10500
Thailand.
Tel: +66 2238-4300
Fax: +66 2238-5289
Website: www.holidayinn.com

REGISTRATION

3. On the first day of the Seminar (December 16, 2009), participants and speakers will be requested to register their names between 8.30 a.m. and 9.00 a.m. at the Registration/Information Counter in front of Crystal Ballroom, Holiday Inn Silom Hotel. At the time of registration, they will be provided with WIPO documents for the Seminar.

OBJECTIVES

4. The objectives of the Seminar are to: (a) analyze various models for protecting TK, TCEs and GRs, and provide opportunities for an exchange of experiences on national/regional initiatives for protection of TK, GR and TCEs; (b) provide information on TK databases and the role, in general, of documentation of TK and TCEs in relation to their possible protection; and (c) brief the participants on the new mandate of the WIPO IGC and, based on the results of the forthcoming session of the IGC from December 7 to 11, 2009, introduce them to the documentation, issues and working methods that will underline the negotiations due to commence in 2010.

WORKING SESSIONS

6. The Seminar will deal with the following topics

Topic 1: An Introduction to Core Concepts and Objectives: What are Traditional Knowledge (TK), Genetic Resources (GRs) and Traditional Cultural Expressions (TCEs)? Why should they receive Legal Protection?

Topic 2: The WIPO Intergovernmental Committee (IGC): Latest Developments and Perspectives on Future Work

Topic 3: Establishing Policy, Legal and Practical Measures for the Protection of TK, GRs and TCEs

Topic 4: WIPO's Work Elements and Options for the Intellectual Property Protection of TK, GRs and TCEs

Topic 5: TK Databases and other Forms of TK and TCEs Documentation – Intellectual Property-related Objectives and Methodologies for the Establishment of Databases

Topic 6: Overview of TK, GRs and TCEs Protection in the Region.

7. Each of the above topics will be covered by one or two speakers, who will make presentation(s) which will be followed by discussions, when the floor will be open to all the participants. **The last session will involve a roundtable discussion with the participation of all speakers and participants.**

CLOSING CEREMONY

8. A short closing ceremony will be held at the end of the Seminar. The Seminar will be closed at around 16.30 p.m. on Thursday, December 17, 2009.

WORKING LANGUAGE

9. The working language for the Seminar is English with simultaneous interpretation into Thai language.

SOCIAL ACTIVITIES

10. All the participants and speakers are cordially invited to the WIPO Reception, to be held at the Room Silom 1, Holiday Inn Silom Hotel, on the evening of December 16, 2009, after conclusion of the day's proceedings.

NUMBER OF PARTICIPANTS

11. **Forty-six participants from Afghanistan, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Democratic People's Republic of Korea, India, Indonesia, Islamic Republic of Iran, Lao People's Democratic Republic, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Samoa, Singapore, Sri Lanka, Tonga and Viet Nam, have been invited to attend the Seminar. In addition, participants from the host country, Thailand, will also be invited.**

Topic 6

Overview of Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions Protection in the Asian Region

OVERVIEW ON THE PROTECTION OF TRADITIONAL KNOWLEDGE, GENETIC RESOURCES, AND TRADITIONAL CULTURAL EXPRESSIONS IN INDONESIA*

Damos Dumoli Agusman* and Miranda Risang Ayu*

EA
24/1-2012

1. Pursuing Protection for Genetic Resources, Traditional Knowledge and Folklore

Protections of Genetic Resources, Traditional Knowledge and Folklore are now becoming mainstream issues in Indonesian legal system. In pursuing the best national legal protections, there are several possibilities to be considered. Firstly, by accommodating Genetic Resources, Traditional Knowledge and Folklore as special objects in the existing Indonesian Intellectual Property Rights Laws. And secondly, by establishing one or several laws or acts as *sui generis* protections. So far, the second option is likely to be chosen, due to the Indonesian national interest to protect Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions with maximum legal means.

The maximum protection for Genetic Resources, Traditional Knowledge and Folklore in Indonesian legal system is based on several reasons.

First of all, Indonesia is a home of diverse ethnic cultures, customs and value systems. Indonesia is situated in Asia, the most multicultural continent in the world. In the South East Asian region, Indonesia is the most culturally

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- * presented by Miranda Risang Ayu in the last session of WIPO Regional Seminar on Intellectual Property (IP) and Traditional Knowledge (TK), Genetic Resources (GRs) and Traditional Cultural Expressions (TCEs), organized by the World Intellectual Property Organization (WIPO) in cooperation with the Department of Intellectual Property (DIP), Ministry of Commerce, Government of Thailand, Bangkok, Thailand, December 16 and 17, 2009.
 - * Director of Treaties on Economic and Socio-Cultural Affairs, Department of Foreign Affairs, Republic of Indonesia.
 - * Miranda Risang Ayu, SH, LLM, PhD, head of IP Office and Law Lecturer at the University of Padjadjaran, Bandung, Indonesia.