



Max Planck Institute  
**LUXEMBOURG**  
for Procedural Law

# **Traditional Cultural Expressions and International Intellectual Property Law**

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Dances, songs,  
handicrafts,  
designs, etc.



- What are traditional cultural expressions?
- Why was this legal concept introduced in international intellectual property law?



# What are traditional cultural expressions?

- The Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), [Preamble para. 13](#) and [para. 15](#)
- The United Nations Declaration on the Rights of Indigenous Peoples (2007), [article 31](#)
- WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore



# Key Characters

- Cultural content
- Collective essence
- Intergenerational transmission



# Tā Moko



Gottfried Lindauer, Hinepare, a woman of the Ngāti Kahungunu tribe, 1890



# Cultural Content

- “Cultural expressions” are those expressions that result from the creativity of individuals, groups and societies, and that have **cultural content**.
- “**Cultural content**” refers to the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities.

Art. 4, Convention on the Protection and Promotion of the Diversity of Cultural Expressions







# The Tribunal of Waters of Valencia's Watered Land



# The Mediterranean diet



# Collective Essence



Aaron Smale, Tā Moko: Libraries on the skin, 2008



# Intergenerational Transmission



Lace workers, New York City, 1911





# Misuse of Traditional Cultural Expressions



Cover of French magazine 'Têtu'



Advertisement published in Vogue



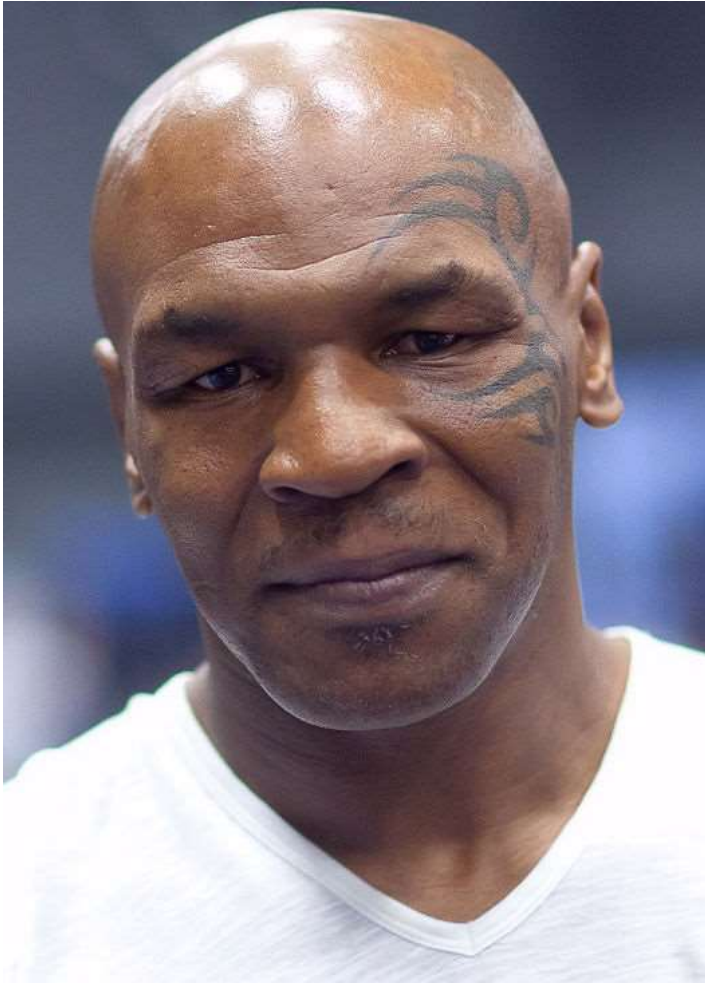
## Pe'a, Samoan male tattoo



## Nike Tattoo Tech Leggings



Mike Tyson



Poster for The Hangover Part II







Claude Monet, The Japanese Footbridge  
and the Water Lily Pool, 1899

