

# Virtual Regional Seminar on Copyright and Traditional Cultural Expressions



23 September

Day 2. Topics: Lessons Learned from National and Regional Legislative Initiatives on Intellectual Property and Traditional Cultural Expressions  
Moderator: Lillyclaire Bellamy

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Foto: Oda-Liv Koivisto: Heimojen tanssi ("Stammarnas dans") "Dance of the Tribes"

# Legislative initiatives

- ▶ **NO specific indigenous aspect in IP legislation (EU position)**
- ▶ **UNESCO - Convention on Safeguarding of Intangible Cultural Heritage, 2003**
  - ▶ National implementation via National Heritage Agency, 2013
  - ▶ Sámi representation challenging, cross-border issues
    - ▶ Unesco ICH Conference in Karasjokk 2019 → Pan-Sami ongoing
- ▶ **Nagoya Protocol on Access and benefit sharing 2010**
  - ▶ Genetic Resources Act, 2016 - one Sámi representative
    - ▶ MAT on ABS between Sámi and the users – resource or product development – subject to confirmation by authority
- ▶ **DISNEY –Frozen 2 movie-case 2019 → more awareness**
  - ▶ **Will be discussed in 2021**

# Best approach is the indigenous point of view – A DIALOGUE

- ▶ **Legal context** – status recognized (self determination, participation)
  - ▶ Constitution (in Finland, Sweden and Norway)
  - ▶ Act on Sami Parliament – “**Obligation to negotiate**” issues that impact Sámi language and culture
- ▶ **Practical application challenging**
  - ▶ Concrete examples
    - ▶ Gákti, Sami duodji, Yoik (yoik, livvde, leu'dd), traditional livelihoods, names, symbols
- ▶ DIALOGUE between government and indigenous people (UNDRIP 31 article)
- ▶ **Experts from indigenous people**
  - ▶ Three Presidents of the Sámi Parliaments and the Sámi Council = **SPC - Sami Parliamentary Council**
  - ▶ Practical workshops on Sámi ICH, WIPO practical workshops on Intellectual Property

# Political, technical and substantive goals

- ▶ **Finnish Presidency in the Nordic Council of Ministers 2021**
- ▶ Conference on the Protection of Nordic Indigenous TK&IP on 11 Nov 21
  - ▶ Study 2018 "Needs of the Sámi for IP protection...", FPIC of Sámi
  - ▶ Virtual expert seminar 2020 – all different points of views
    - ▶ Portal of Dialogue: Open web portal on discussions towards NCM Conference
- ▶ **IMKÀS study – 2021**
  - **pre-study of the Pan-Sámi view – a RIGHTS BASED APPROACH**
- ▶ CONCRETE EXPERIENCES ON EXISTING SYSTEMS
- ▶ WIPO practical workshop on TK
  - ▶ To address the outcomes from the Conference

# INCREASED NORDIC CO-OPERATION

**Sami people &  
Greenland inuits**

## NORDIC COUNCIL OF MINISTERS

**Vision 2030**

**- Common issues**

Denmark

Greenland inuit  
"greenlanders"

- Self-government:
- Legislation on the protection of Inuit genetic resources

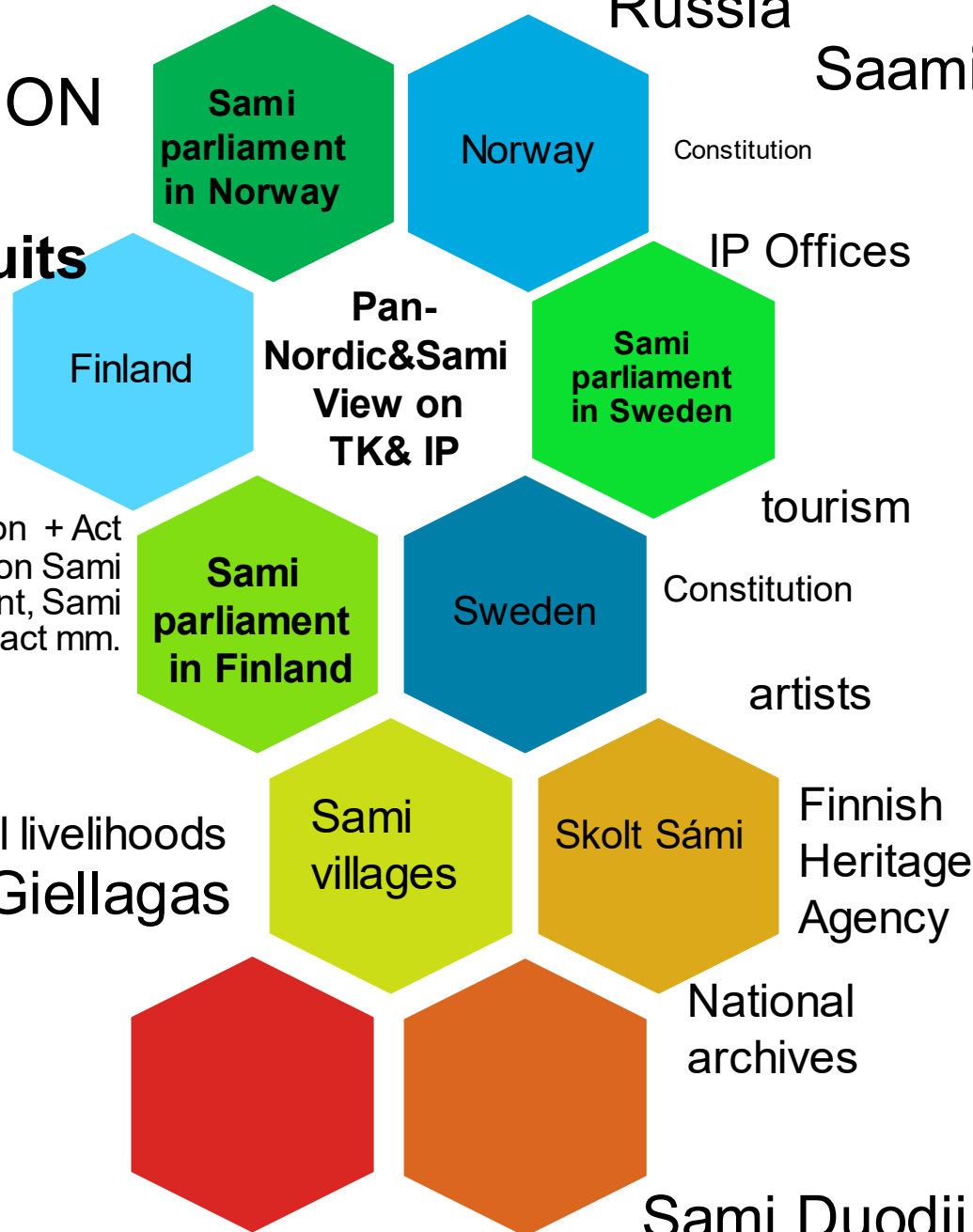
Faro Islands

Iceland

Inuit Circumpolar Council

Russia

Saami Council, since 1954



**QUESTIONNAIRE:**  
*-Countries positive about increased cooperation, good idea to aim for a greater consensus between the Nordic countries*  
*- better communication with SPC*  
*- Discussion within the framework of existing forums*

Sami Duodji & other Sami organisations

# Take aways from Nordic level

- ▶ Specific national, regional and international issues
  - ▶ **Legislative initiatives? Nordic Sámi Convention?**
  - ▶ **Dialogue - Indigenous point of view**
  - ▶ Political, technical and substantive **practical** goals from Nordic Co-op requires resources and leadership

Thanks! Gracias! Giitu!