

Abstract for ISHTIP' 9th annual workshop, 'Intellectual Property as Circulation and Control'

Competing property regimes and the control of Traditional Knowledge

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There are many approaches to controlling the circulation of Traditional Knowledge (TK) and Traditional Cultural Expressions (TCEs). Since the 1970s WIPO and UNESCO have been developing policies to protect indigenous peoples' rights to folklore and TK against commercial exploitation. International copyright treaties such as the TRIPS agreement have on the other hand been accused of enabling that kind of exploitation. The Convention of Biological Diversity (CBD) and the Nagoya Protocol, which operationalizes the CBD in this regard, attempt to regulate the appropriation of indigenous knowledge about the uses of biological resources without addressing the question of IPR. All the while, indigenous communities have their own customary rules for how these resources can be utilized that are rarely acknowledged in national or international legislation.

TK and TCEs are thus subject to competing property regimes that all try to control the circulation of this special kind of resource. IPR represent one way to create such property regimes. The IPR approach is in itself fragmented and contradictory where organizations like WIPO on the one hand and the WTO/TRIPS on the other sometimes seem to represent competing agendas. Customary rights and the Nagoya Protocol in their turn attempt to control that circulation by means outside of the IP-regime.

This paper analyses the interactions between these competing property regimes. It draws on a currently ongoing empirical study of the Nagoya protocol, analyzing legal text and preambles and well as interviews with actors involved in the negotiations behind the Nagoya Protocol. The Nagoya Protocol will be contextualized within an IPR discourse and related to analyses of how national and international IP legislations approach TK and TCEs. The paper will explore what property regimes are at play; how these are negotiated; what consequences they have for the circulation and control of TCEs and how they reflect different understandings of TCEs, Intellectual Property and even cultural expressions in general.

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Publications

Books Fredriksson, Martin & Euripides Altintzoglou (eds) (2015): *Revolt and Revolution: The Protester in the*

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Editorial assignments

*2014-2015 Editor of the book *Revolt and Revolution: The Protester in the 21st Century*,*

Oxford: Inter Disciplinary Press, together with Euripides

Altintzoglou 2009-2014 Executive editor for the journal *Culture Unbound: Journal of Current Cultural*

Research, supervising the publication of 27 special issues over the course of 5 years.

2013-2014 Editor of a special issue on “The Instability of Intellectual Property” of

the journal *Queen Mary Journal of Intellectual Property*, together with Marianne Dahlén & Eva Hemmungs Wirtén. 2012-2014 Editor for the book *Piracy: Leakages from Modernity*, Los Angeles: Litwin

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