

2011-2012 IP Survey Report

**Field Survey on
Intellectual Property Issues
in the Process of
ICH Information Building and Sharing**

**International Information and Networking Centre for
Intangible Cultural Heritage in the Asia-Pacific Region
under the auspices of UNESCO**

In collaboration with the National Commission for UNESCO of the Kyrgyz Republic

Preface

ICHCAP, a UNESCO Category 2 Centre, has carried out activities for safeguarding intangible cultural heritage (ICH) in the Asia-Pacific region with a centralised function in ICH information and networking. In this role, the Centre has worked towards protecting intellectual property rights related to ICH information. The Centre held expert meetings on ICH safeguarding and intellectual property rights in 2009 and 2010, and in 2011, the Centre proposed a project for protecting ICH intellectual property (IP) rights in the process of ICH information building and sharing.

In 2011 and 2012, as part of the new project, field surveys were conducted with the cooperation of ICH information-related institutes in the Asia-Pacific region to examine IP issues that could arise in the process of ICH information building and sharing. The survey was conducted in eleven countries—Cook Islands, Fiji, India, Kazakhstan, Korea, Kyrgyzstan, Mongolia, Pakistan, Philippines, Sri Lanka, and Viet Nam. The purpose of the surveys was to highlight the IP-related problems that ICH-related organisations may encounter while conducting ICH information-related activities, such as identification, documentation, digitisation, etc., and promoting the groundwork for a guide to protect IP-related aspects of ICH in the process of information building and sharing.

For the field surveys, a questionnaire developed by ICHCAP was provided to key organisations, and surveys were carried out by each organisation according to the questionnaire. A research team based in each organisation lead the surveys. Upon completing the surveys, the organisations involved compiled a report. ICHCAP collected the submitted reports and is now making them available in this publication, *Field Survey on IP Issues in the Process of ICH Information Building and Sharing*.

The survey reports from each country are being provided as a resource to exchange experiences related to the IP aspects of ICH information. Also, it is expected that publishing reports can foster an environment to understand and resolve problems related to IP aspects of ICH information in the Asia-Pacific region.



Contents

IP Issues in the Process of ICH Information Building and Sharing

Preface	001
Kyrgyzstan Survey Report	
I . Background	006
II. Institute Overview	008
III. Information Building and Sharing	011
IV. IP Issues in Information Building and Sharing	024
V . Future Plans	029
Summary	034
List of co-researchers	041

Annex 1 Questionnaire	045
Annex 2 CACSARC-kg Leaflet	065
Annex 3 Agreement between CACSARC-kg & Respondents	069
Annex 4 MOU between CACSARC-kg and National Museum of Fine Arts	073
Annex 5 Relevant Law	077

IP Survey Report

I . Background

The State Intellectual Property Office of the Kyrgyz Republic (KYRGYZPATENT) is the authorized body in the intellectual property sphere. This office also distributes information on IP issues among population and provides a legal framework to safeguard industrial property objects, such as inventions, industrial prototypes and models, breeding achievements, trademarks, brand names, names of a commodity's place of origin, rationalisation suggestions, and traditional knowledge. In addition to industrial property objects, KYRGYZPATENT also seeks to protect advanced studies, works of literature, art objects, computer programs, performances, execution, phonograms, ethereal transmissions, and cable broadcasting.

Thus, objects of folklore are not considered IP objects, and in compliance with the legislation of Kyrgyz Republic, they are not subject to patenting and cannot be legally safeguarded.

According to Article 105 of the Civil Code of Kyrgyz Republic and Article 8 of the Law on a Copyright and Allied Rights of the Kyrgyz Republic, copyrights are not applicable to works of traditional art (folklore).

By the Law on Guarding Traditional Knowledge of Kyrgyz Republic, which was passed in 2007, a legal safeguard applies to technologies that are transmitted from generation to generation. According to Article 1 of the Law, it does not cover objects of folklore and traditional art. The primary purpose of the Law is to prevent the illegal patenting of inventions that are based on traditional knowledge.

According to Ms Dinara Omorbekova, Expert on Breeding Achievements and Traditional Knowledge of KYRGYZPATENT, as of 1 October 2011, her office received forty applications for registering industrial property objects that were based on traditional knowledge, including thirty inventions, seven industrial prototypes, and three useful models. In addition to these, KYRGYZPATENT also accepted over a hundred applications that were related to the use of genetic resources.

As of now, KYRGYZPATENT has certified the following three ICH objects.

- Kyrgyz traditional intellectual game 'Toguz Korgo-ol' (2009);
- Kyrgyz traditional technology on making soap 'Shakar' (2011);
- Kyrgyz traditional food receipt 'Tash-Kordo' (2011).

Other than KYRGYZPATENT, there are several organisations that are officially responsible for ICH safeguarding and intellectual property issues in Kyrgyzstan: the Ministry of Culture of the Kyrgyz Republic, the National Commission of UNESCO in Kyrgyzstan, the State Museum of History, the National Museum of Fine Arts, and the National Academy of Science Assembly of the People of Kyrgyzstan. In addition, many kinds of NGOs working in sphere of art/culture development are also more or less involved with ICH safeguarding and IP rights protection.

ICH subjects, such as individual artisans, designers, photographers, film makers, are also more or less involved in the process of recognising or solving IP issues.

The most active NGOs working on ICH and IP issues in Kyrgyzstan are the Central Asian Craft Support Association's Resource Center in Kyrgyzstan (CACSARC-kg), the Central Asian Art Management (CAAM), the Central Asian Art and Culture Network (CAACN), and the Public Foundation 'Kyrgyz El'.

II. Institute Overview

The public foundation, CACSARC-kg, was established on the basis of the Bishkek Office of Central Asian Crafts Support Association (CACSA) and was registered as an independent, non-commercial organisation on 4 March 2009.

CACSA is an internationally known regional membership association that had its office in Bishkek from 2000 to 2008. (To learn more about CACSA, please visit the organisation's website: www.catgen.com/cacsa.kg.)

Starting with several enthusiasts of the crafts development movement in the region at the end of 2008, CACSA increased its membership to include seventy-six organisations from six countries—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan and Mongolia—has developed more than fifty projects, and has given benefits to over five thousand craftspeople. During its eight-year run, CACSA developed the crafts sector in the region and provided artisans with services in training, marketing, and promoting their products to international markets.

CACSA organised and conducted more than a hundred workshops on traditional and innovative craft technologies, handicraft product designs, natural dyeing methods, and marketing for craftspeople in Central Asia and abroad—Hungary, Italy, Afghanistan, Turkey, Russia, the UK, and the USA. CACSA specialists carried out studies of crafts sector development throughout Central Asia as well as in Turkey, Afghanistan, and Georgia. Artisans of Central Asia participated in many international craft fairs all over the world. The following international festivals were conducted by CACSA: the Festival on Cultural Diversity and Intercultural Dialogue of Central Asia at the UNESCO Headquarters in Paris (2005), the Biennium Felt Symposium in Kyrgyzstan (2001, 2003, 2005, and 2007), and the Annual International Festival 'OIMO' ('ORNAMENT') in Kyrgyzstan (2006, 2007, and 2008). Along with the project activities, a number of volumes were published, including catalogues of handicrafts products of Central Asian producers, a directory of artisans, and a crafts map of Fergana Valley, methodical aids for artisans and trainers, and video-films on craft technologies.

In 2007 as a result of research funded by Aga-Khan Foundation and made by Association of Civil Society Support Centers, CACSA was selected as one of the best twenty-five non-commercial organisations among five hundred actively working NGOs in Kyrgyz Republic.

The CACSA Regional Office, according to its Charter, transferred to Almaty, Kazakhstan, at the end of 2008, and the Public Foundation, CACSARC-kg became the successor of CACSA and acquired the human and technical resources of the original Regional Office in Kyrgyzstan. CACSARC-kg continues with the activities that were implemented by CACSA.

Mission

Revive and develop traditional handicrafts of Kyrgyz and Central Asian people.

Goals and Objectives

- Improve professional skills of artisans in the Kyrgyz Republic and Central Asia and to develop their networking
- Promote Kyrgyz and Central Asian craft products in regional and international markets
- Develop business activities of artisans
- Preserve cultural heritage of the people of Kyrgyzstan and Central Asia
- Raise awareness of the world community on crafts and traditional culture of Central Asia
- Protect the rights of artisans of Kyrgyzstan and Central Asia

CACSARC-kg, being part of the world craft organisations' network, has linked with other craft organisations in Central Asian countries and all over the world—the World Craft Council, the Craft Council of India, and Aid to Artisans. CACSARC-kg has also been a part of a number of fund-raising activities. The major donors for these events have been the Eurasia Foundation of Central Asia, UNESCO, the Swiss Cooperation Office in Kyrgyzstan, the European Union, the Soros-Kyrgyzstan Foundation, GTZ, OSCE, the U.S. Embassy in Kyrgyzstan, UNIFEM, Aga-Khan Foundation, Aid to Artisans, and others.

(Charter of CACSARC-kg is attached).

Activities of CACSARC-kg includes following:

Identification

CACSARC-kg identifies bearers of traditional knowledge as well as the types of craft technologies and ornaments all over Kyrgyzstan.

Documentation

CACSARC-kg documents bearers' knowledge of different Kyrgyz traditional craft technologies, including those technologies in danger of disappearing. Also documented are the tools and raw materials, methods of preparation of the raw materials, craft items' production stages, and the forms and meanings of ornaments and ornamental motifs.

Inventory Making

CACSARC-kg researched and inventoried Kyrgyz craft technologies and ornaments in Kyrgyzstan and Central Asia three times from 2005 to 2011.

Database/Archive Building

CACSARC-kg collects an archive of the handicraft items, photos, and videos, including items found in the museum archives of the Kyrgyzstan and Russian Anthropological Museum in Saint Petersburg. CACSARC-kg also created a database of the descriptions of craft technologies and ornaments, classified by names of creators and territory, made photos and video films, and published articles on NMC.

Publication and Distribution

CACSARC-kg has published four catalogues on crafts items and exhibitions, a directory of craftspeople, and a crafts map of Fergana Valley, many leaflets, and articles in newsletters. The catalogues and directory were distributed in Central Asia and beyond.

Using Digital Content

CACSARC-kg produces video courses on different craft technologies and TV and radio programmes with the use of craftspeople interviews, video films, and clips about ICH.

Training

For the past eleven years, CACSARC-kg has been systematically working on transmitting the traditional knowledge and skills from the older generations to young people and from skilled masters to students by organising training workshops.

The main activities CACSARC-kg are in database/archive building, training, publishing, and distributing. In addition to this, CACSARC-kg is also providing services to craftspeople. This includes organising craft fairs and promoting their products to different markets all over the world.

III. Information Building and Sharing

CACSARC-kg, within its activities over the past twelve years, has implemented several projects related to the cultural heritage of Kyrgyz people. Brief descriptions of these projects follow.

1. Empowerment of Entrepreneurship through the Development of Handicrafts in Fergana Valley

The project was implemented in collaboration with partners from Tajikistan (NGO Fatkh) and Uzbekistan (Center of Crafts Development and Protection of Craftspeople's Rights "Hamsa") in 2005 and 2006.

Project Background

At present in Central Asian countries, producing traditional handicrafts is largely for generating income in rural areas and cities. National and regional craft markets are growing. Craft producers have an opportunity to enter into sizeable and increasingly sophisticated international markets.

People from Fergana Valley, which is divided by borders between Kyrgyzstan, Uzbekistan, and Tajikistan, produce wonderful items using old and unique handicraft technologies. But mostly their production does not meet contemporary market demands. The main reason is lack of knowledge of craft producers in terms of innovations in design (for example, wrong size or not suitable colour combination), assortments of craft production, quality of raw materials, ways of promotion and trading, etc.

With tourism expecting to grow in Central Asia, the production and sale of handicrafts has been identified as a potential income stream within the region, and local artisans' skills can also be used in the building trades and as interior decoration for guesthouses as well as in direct sales to the growing numbers of visitors.

But as a rule, there is very limited information about producers of the traditional crafts that are part of the cultural heritage of local people.

Project Goal

The goal is to help develop private entrepreneurship based on the traditional handicrafts in Fergana Valley by providing Kyrgyz, Tajik, and Uzbek artisans support in informative, educational, and organisational directions.

Project Activities

A regional team of researchers interviewed the artisans of Fergana Valley and collected material (interviews, photos, and samples of the craft products) for the further use as a data.

Training workshops for the craftspeople of Fergana Valley were organised on craft producing business management, assortment of the craft products, and quality control.

A round table was organised with the goal of marking the main problems of craftspeople and handicraft development in the region and to attract local authorities to the need of solving the problems.

A regional directory of the craftspeople of Fergana Valley was created based on the research. The directory is to be used by governmental structures, NGOs, international organisations, and private business. It includes information concerning over five hundred craftspeople and twenty-six craft communities from the three countries. The directory, which was published in Russian and English, can help distribute more detailed information among interested people and organisations all over the world and to establish direct contacts between craft producers and consumers of craft products.

A craft map was published in Russian and English. It demonstrates geographical disposition of different types of crafts (by special marks) as well as the number of craft producers in the Fergana Valley.

Project Procedures

- Research
- Database creation
- Publication activities
- Promotion activities (in collaboration with Media)
- Organisation of training on new product development, management, and marketing of handicraft production
- Organisation of exhibitions and project presentations

Outcomes/Effects

- Copies of the regional directory of the craftspeople of Fergana Valley, including hardcopy versions (600 copies), CDs (60 copies), and electronic versions, were distributed among potential partners (tourism agencies, traders, galleries, international organisations, etc.).
- A total of 285 craftspeople were trained in three countries. In the Osh, Batken, and Jalalabad districts of Kyrgyzstan, there were six organised training sessions (two in each district), sixty craftspeople were trained (every craftsperson participated in two sessions). In the villages and Hujand City, Sogd, Tajikistan, 144 craftspeople were trained. In Andijan, Kokand, and Margilan districts of Uzbekistan, 80 craftspeople were trained.
- At the regional round table in Osh, the needs for developing the craft sector brought together artisans and representatives of local authorities from three countries.
- Media were involved widely to publicise issues on craft development in Fergana Valley.
- Most (by the opinion of researchers) craftspeople were selected to be sent as participants to national and regional craft fairs.

As a result of the project, over five craftspeople in Fergana Valley obtained direct advantages, and over twelve thousand people (craftspeople's family members and relatives, business partners, raw materials' producers, customers etc.) received indirect advantages. One of the project results, new craft communities, appeared in the Batken district of Kyrgyzstan.

Publishing the craftspeople directory and craft map of Fergana Valley increased potential consumers' and partners' knowledge on craft products and producers.

The craftspeople's level of professional skills, knowledge on management and marketing, and income increased following the training and the craftspeople's participation in craft fairs.

2. Beauty in Harmony with Nature: Kyrgyz Traditional Craft Technologies and Ornaments

This project, which started in August 2009 and finished in August 2011, was implemented by CACSARC-kg in partnership with National Museum of Fine Arts.

Project Background

Kyrgyz traditional culture is mainly represented by traditional crafts, ornaments, folk music, and oral folklore. Traditional crafts are an essential part of the traditional nomadic culture of the Kyrgyz people who lived in close connection with nature, which was an inexhaustible source of both raw materials and inspiration for creating beautiful handicrafts.

From ancient times, Kyrgyz masters created items matching their nomadic lifestyle. To create handicraft products, craftspeople used materials related to nomadic household cattle-breeding (wool, skins, horns, and hooves of domestic and wild animals) as well as natural materials (wood of local trees and shrubbery, straw, clay, plants, etc.). To young generations, craftspeople transferred knowledge, skills, and experience not only in getting and using natural resources but also in recycling.

Ornaments were the main media of artistic expression by Kyrgyz masters. Ornamental forms take their roots in ancient times and reflect their creators' aesthetic perception of the surrounding nature and social environment as well as their cosmology views of the universe. Many ornamental motifs had a sacral protecting function, as was common with ornaments on headwear, clothing, and dowry items. In addition to being decorative, the ornaments once functioned as informational pieces, but nowadays, very few artisans can 'read' the ornaments.

Today, this unique traditional skills and knowledge, which had been orally transferred from generation to generation for centuries and was never fixed or recorded, is on the verge of being lost. Artisans infrequently know about or can use traditional craft technologies, and they are ignorant of the rich range of Kyrgyz ornaments. Most artisans use synthetic raw materials, ignoring natural materials, and they copy ornamental motifs from each other without understanding the meaning.

Custodians of traditional knowledge, which as a rule belong to the older generations, can be still found in communities where traditional ways of life have been maintained, and they have kept continuous ties between generations. But they gradually leave this world, and they take away with them their precious experience and knowledge that has not been recorded anywhere and is not in demanded by modern society. It often happens that custodians have no one to whom they can transfer their knowledge.

Traditional craft technologies, the types of natural raw materials as well as

extraction methods, the history of Kyrgyz ornaments, ways of creating and using the ornaments, and the symbolism of the ornamental motifs have never before been purposely studied. There are also no serious and popular publications on this theme. There is an existing need urging us to fix and collect all the mentioned materials for present and future generations of Kyrgyz people and generally for humanity.

Kyrgyzstan and other countries in the Central Asian region are facing the challenge of preserving and regenerating natural resources that are often used with barbarity and vandalism. The database created as a result of the project will provide the initial material for various informational and educational programmes on safeguarding bio-cultural diversity and increasing awareness on environment protection to educate young generations in the spirit of respectful attitude to their cultural heritage, traditions, and natural environment.

Kyrgyz society needs to learn more about its traditional culture, including diverse diasporas. Scientists, ethnographers, craftspeople, art critics, students, and specialists related to arts, culture, and development of handicrafts are in need of materials concerning cultural heritage.

Programmes in secondary public schools need to be completed by subjects, based on the project results, such as 'Kyrgyz ornament', 'Traditional relations with environment', and others. School teachers need to be trained first. Specialised educational institutions, such as art and crafts colleges as well as the Academy of Arts, need to improve their programs and project materials on traditional skills and knowledge of crafts technologies and ornaments.

Due to the development of tourism in the region, craftpersonship is becoming a good business for many families in Kyrgyzstan. Competitiveness of handicraft products depends directly on the level of traditional crafts knowledge and skills of artisans. Artisans don't know about craft technologies (for example, proper processing of natural raw materials) and existing ornamental motifs, as well as description of their symbols. Beginners in crafts production should be trained, and they need manuals that cover the topics mentioned.

The negative effects of globalisation, such as the tendency towards monoculture and the levelling of cultural diversity, threatens the small Kyrgyz nation (just over 5 million people) with the danger of losing its cultural identity and cultural values. Most youth are exposed to mass media, which

focuses on pop-cultural products oriented towards modern international brands, and so the younger generations show no interest in developing their own traditional culture. The voice of the cultural elite on the need for the state to develop relevant cultural policies is hardly heard.

Besides Kyrgyzstan, ethnic Kyrgyz live in diaspora communities in Tajikistan, Uzbekistan, Afghanistan, Turkey, and China. The way of life and culture of the Kyrgyz living in different natural conditions and being surrounded by different ethnic groups demonstrate a wide range of cultural diversity. For a deeper understanding of traditional Kyrgyz culture, it is important to represent handicraft heritage to all ethnic Kyrgyz people, including those living in diaspora communities that have their own distinctive features.

Although it is good that Kyrgyz cultural heritage is preserved abroad in diaspora communities, it is unfortunate that Kyrgyz societies do not have access to it. Kyrgyz diaspora communities are not represented in museum collections and exhibitions. It is important to link the scattered clusters of Kyrgyz cultures surviving abroad with that surviving in Kyrgyzstan to mutually enrich and bring more cohesion and diversity into Kyrgyz identity.

The two main museums of Kyrgyzstan—the State History Museum and the National Museum of Fine Arts—have only about twelve thousand handicraft exhibits. There is an urgent need to increase the museum funding to preserve cultural treasures.

Today, over 1.5 million Kyrgyz labourers have moved outside the country. Young generations of labour migrants, separated from their original environment and cultural roots, are not familiar with their own culture and traditions. Traditional attitudes of ancient Kyrgyz people towards nature and the careful treatment of natural sources as well as the meaning of ornaments are vital to Kyrgyz culture, yet these attributes remain totally unfamiliar to the young generation. Educational programs created on the basis of project materials and distributed among general public in Kyrgyzstan and Kyrgyz Diasporas, including labour migrants, are very important for new generations of Kyrgyz people.

Project Goal

To prevent the disappearance of and give a second birth to the traditional skills and knowledge of crafts, demonstrating the harmonious combination of creative activities with wise and farsighted approaches to the use of natural resources.

Project Values

- Nature and biodiversity as the basis of all life on the Earth
- Creative human activities interacting with the environment
- Traditional knowledge and skills (crafts technologies and ornaments) embodying the experience of previous generations
- Custodians of traditional knowledge and skills
- Cultural products created with a respectful attitude to the use of natural resources and cultural heritage.

However, there exists also an ultimate and challenging goal—to affect and change public consciousness. Addressing the experience of our ancestors, we have to convey to the modern consciousness of contemporary people the understanding of naturalness and the continuity of interconnectedness and interdependence of cultural values created by people and the natural environment.

Kyrgyz people's traditional knowledge, their centuries-old experience and ability to live in harmony with their natural environment, their experience extracting and using natural raw materials, and their eco-friendly and almost wasteless craft technologies—all these contribute to the human experience.

Project Activities

The project activities included two components.

Component 1. Field Research and Database Formation

Field research was conducted in seven provinces of Kyrgyzstan as well as in Kyrgyz ethnic diaspora communities in Tajikistan, Turkey, and China. The main goal of the research was to identify custodians of Kyrgyz traditional skills and knowledge on unique handicraft technologies who were also competent using natural resources and had knowledge of the folk ornamental patterns and motifs.

Component 1 included doing preparatory work and field research in Kyrgyzstan and abroad; linking with local communities and administrations; selecting volunteers; and providing the research group with instructions, programmes, schedules, and all necessary information.

The research group consisted of a leader, an ethnographer, an expert on handicrafts, two researchers, a photographer, and local volunteers. Local consultants/partners and volunteers who provided technical assistance during the field research were selected among teachers and students of

relevant educational institutions and indigenous communities (based on interviews and recommendations).

Researchers interviewed local people and collected the information on crafts technologies and ornaments as well as natural raw materials gathered by local craftspeople from the environment and used for making handicrafts.

In Kyrgyzstan, the field research was carried out from August 2009 to March 2010 in eight cities and ninety-five villages of Talas, Jalalabat, Osh, Batken, Issyk-Kul, Naryn, and Chui provinces. The researchers spent five days in each province.

The field research among Kyrgyz ethnic diaspora communities was carried out in total in twenty-six villages in Tajikistan (Murgab, Jirgital, Kanibadam and Isfara districts), Turkey (Van province), and China (Xinjiang Autonomous province). The researchers spent five days in each country between June 2010 and June 2011.

In total, there were 348 craftspeople interviewed (211 in Kyrgyzstan and 137 outside the country). Among them there were 54 craftspeople recognised as bearers of unique traditional knowledge of crafts (40 in Kyrgyzstan and 14 outside).

During the field research thirty-two types of craft technologies were described and fixed, including eight unique technologies in danger of disappearing.

All respondents received certificates for participating. Leaflets with information in the Kyrgyz language about the project goals and activities were distributed among local population.

During the field research, the custodians, handicrafts, and natural raw materials were fixed through photos and videos. In accordance with the Law of the Kyrgyz Republic on Traditional Knowledge, the researchers were obligated to ask for the local people's consent to use the knowledge on the traditional crafts techniques. Ornaments refer to the Law on Folklore, which is currently being developed and has not been yet ratified by the Parliament of the Kyrgyz Republic.

The collected materials (stories, descriptions, pictures, photos, and videos) were processed by the researchers, and a database of Kyrgyz traditional craft technologies, natural raw materials, and ornaments was created as a result of

the project activities. Editing of the field research materials was done by an ethnographer and expert on handicrafts under the supervision of the coordinator of the field research. The ethnographer supervised the work of researchers and edited the database. Proper conditions were created at the National Fine Arts Museum to store the collection, and collection's safety and accessibility for specialists who work with archives was also considered. An expert on handicrafts selected craft samples and coordinated and guided researchers and photographer during the field trip. Expert was sent to the Russian Museum of Anthropology in Saint-Petersburg to work in its Archive.

Over two hundred pieces of craft items were purchased for the Fine Art Museum during the research trips. Restoration was done by museum specialists. About 80 per cent of the purchased items are planned to go on permanent display for the general public.

Component 2. Traditional Handicraft Skills and Knowledge Transmitting

Component 2 included promotional activities as well as preparation and further processing of the database. The materials collected during the field research were processed, edited, and translated into Kyrgyz, Russian, and English for further use.

To promote traditional crafts and Kyrgyz cultural heritage, to transmit the traditional craft skills and knowledge, and to educate young generations domestically and in diaspora communities, materials are partly prepared for various publications, radio and TV programmes, training programmes, and other needs. When publishing printed materials based on the results of the field studies, issues related to the copyrights of the traditional knowledge custodians should be stipulated and fixed in the form of an agreement.

Based on the collected materials:

- 'Symbols of the Kyrgyz Ornament', a seminar for young animators, was held on 17 and 18 February 2011.
- Master classes on traditional technologies were held for OIMO International Festival participants by invited bearers in July 2010 and July 2011.
- A list of potential trainers was created, consisting of seventy-one craftspeople between the ages of 35 and 75, from all the districts of Kyrgyzstan.
- Nineteen programs and guidelines were prepared for further training in areas such as producing traditional felt hats, natural dyeing, wool processing, etc.

Project Procedures

- Research
- Purchase craft samples for the Fine Arts Museum funds
- Work in museum's archives
- Create a database
- Publication activities
- Create TV and radio programmes and video clips
- Promote activities in collaboration with the media
- Organise exhibitions and project presentations
- Prepare programmes for future training on traditional craft technologies

Outcomes/Effects

The following people and structures of the Kyrgyz society benefited from the project activities: craftspeople, custodians of traditional knowledge, designers, artists, art critics, art teachers, museum employees, anthropologists, ecologists, students of different educational institutions, collectors, NGOs working in the sphere of cultural development and ecology, Ministry of Culture and Information of KR, Ministry of Education and Science of KR, Ministry of Tourism of KR, craft sector of Kyrgyzstan and Central Asia, and Kyrgyz diaspora communities.

For the first time in the last twenty years, the Fine Art Museum's collections were fulfilled by artefacts. Regionally and globally, results of the project filled up the shortage of data concerning Kyrgyz traditional culture and enriched the cultural heritage data of mankind.

In March 2011, CACSARC-kg in collaboration with UNESCO National Committee in Kyrgyz Republic completed the application form for including Kyrgyz traditional felt rugs—Alakiyiz and Shyrdak—into the Urgent Safeguarding List.

3. Patterns of the Eastern Pamir

Project was organised by the Yak House (a Tajikistan NGO) in partnership with CACSARC-kg. Project Duration: April to May 2011.

Project Background

Tajikistan is going through economic reforms. Transitioning the country to a market economy has brought about a growth in poverty, especially in rural and remote mountain areas. Murgab district of Tajikistan, populated by Kyrgyz ethnic group (over 250 000 people), is located 4000 meters above sea

level. The main economic activity is in livestock—namely, the cultivation of yaks.

Traditional crafts are produced mostly by women. Embroidered pillows, woven carpets, and other items reflect the surrounding nature as well as legends and lifestyle of the Kyrgyz people. Craft items are produced for events related to rituals and customs related to decorating houses. Ancient and unique traditional craft technologies are still alive among the people, but knowledge of the symbols and the meaning of ornaments have nearly disappeared.

Project Goals

Research the history and meaning of patterns related to Kyrgyz people living in Eastern Pamir

Transmit knowledge on pattern creation and reading to the next generation through training

Safeguard and revive the unique Kyrgyz patterns in Eastern Pamir

Project Activities

Research in Murgab area went through the following villages Murgab, Kono-Korgon, Checheki, Besh-Kumbez, Karakol, Toktomush, and Shaimak. Researchers looked into the condition of the crafts in Murgab area through questioning and visiting craftspeople.

During the research, the researchers interviewed elderly people who produce handcrafted items. Over sixty houses were visited; fifty-five questionnaires were completed by respondents at their home; and eleven bearers of the history and meaning of the patterns were recognised. To complete the materials for the catalogue, craftspeople and their products were documented by photo and video cameras.

Women generally make handcrafted products for home use and as a dowry for their daughters. Ornaments and patterns decorate felt rugs, pillows, horse equipment, woven mats, jewellery, etc. Most craftspeople do not value the semantics of the patterns; instead, they just copy ancient patterns produced by their ancestors. They use zoomorphic and vegetation motifs, and geometrical ornaments are more often used in the patchwork technique. On jewels, it is possible to see zoomorphic and vegetation ornaments.

There were organised training programmes for young craftspeople in six districts of Gorno Badakhshan province of Tajikistan. The training

programmes were worked out based on the results of the research. In total, a hundred people were trained.

Objectives of Training

- Give the younger generation general information about the history and semantics of local patterns
- Provide participants an opportunity to adjust information interchange between generations
- Let training participants recode traditional patterns

Project Procedures

- Researching
- Documenting and creating a database
- Organising training for craftspeople community groups

Outcomes/Effects:

- Completed materials to publish the *Patterns of the Eastern Pamir* catalogue
- Forced younger generations to start using significant patterns intelligently in craft items produced for the market
- Increased interest in traditional culture among the younger generations
- Started to revive links between generations in terms of transmitting traditional knowledge

ICH-related Data Collected by CACSARC-kg:

Context of Data

CACSARC-kg has an offline ICH-related data. The database consists of several data related to craft types, craft technologies, craftspeople and their contact information, ornaments, bibliography, and ethnographical collections in Kyrgyz and Russian museums. The data is in the form of texts, sketches, photos, and videos.

Data includes information on craft bearers, custodians, and creators living in all provinces of Kyrgyzstan (Naryn, Chui, Issyk-Kul, Talas, Osh, Batken, and Jalalabad); in Jergital district and the Mountain-Badahshansky autonomous region of Tajikistan; in the Sintszjan-Uigur autonomous region of China; and the Van district of Turkey. Other data comes from the Kyrgyz State Historical Museum and the Russian Ethnographical Museum in Saint Petersburg. The data is being prepared for online usage.

Methods to Obtain Data or Archives

- Organising fieldwork to interview ICH subjects and document information received
- Collecting materials related to previous fieldwork from museum archives
- Employing specialists to work on different ICH and IP topics.

Owner of rights for the data is the CACSARC-kg Public Foundation. Since CACSARC-kg is sharing data management with the National Art Museum and since CACSARC-kg has not had previous experience with IP aspects of ICH, principles or a guideline for data management is still being developed.

IV. IP Issues in Information Building and Sharing

As one of objectives of CACSARC-kg is to assist artisans of Kyrgyzstan and other Central Asian countries in protecting their professional, civil, economic, and social rights, we have to and would like to start working on IP issues in sphere of business based on traditional handicrafts.

IP issues are of the least investigated issues for craftspeople. But as many of them are ICH custodians, they are allowed to be informed about their rights and responsibilities in terms of transmitting traditional knowledge to future generations.

Some IP issues have arisen within CACSARC-kg activities on promoting Kyrgyz craft products, publishing printed materials, protecting craftspeople rights including their copyrights, and sharing information and traditional knowledge through training on craft technologies and ornaments.

- There was one case in which an ICH practitioner refused to share her knowledge on the traditional ornament and ornamental motifs creation, on the ornamental symbols and meanings interpretation.

The craftsperson refused to demonstrate her skills of the traditional patterns creation and to explain the meaning of the traditional ornamental motifs because she was afraid that teaching other craftspeople she would create competitors in the market.

- Issue related to recognising the ICH owner and sharing benefits by the first and second level users and producers have also arisen from time to time as have issues related to copyrights on similar products produced by several different designers using the same traditional technologies or images.

Many craftspeople make and sell felt rugs. The ornaments and technology they use are traditional, but some details could be recognised as innovations. For example, dyeing one piece of felt several colours was created by craftspeople of Tamchi village. This became an issue for the craftspeople community members in terms of ownership for this innovation, and therefore, the right to use it in the production of the felt rugs.

The same situation involves some innovative felt/silk technologies. Kyrgyz craftspeople never mixed silk with felt in past. In 1990s, however, they were trained for this 'nuna' technology (originally appeared in Japan) by European designers. But as Kyrgyz craftspeople are very creative in felt technologies, they successfully continued to develop 'nuna' technology. And there are craftspeople who claim ownership of using traditional elements within the framework of the non-traditional 'nuna' technology.

- Issues have arisen in using and disseminating information as well as in the trading of products. The cause and content of the issue is that the producer of traditional patterns for the Kyrgyz ritual costumes and modern dress refused to demonstrate the process of cutting and producing the patterns at the master classes during the presentation of the *Beauty in Harmony with Nature: Kyrgyz Traditional Craft Technologies and Ornament* project.

CACSARC-kg provides training for craftspeople and other people who would like to learn about traditional and modern handicraft technologies. Some craftspeople, the best producers of felt/silk scarves with traditional Kyrgyz patterns, refused to be involved as trainers and share their skills and knowledge with other people. The reason is that craftspeople do not want to teach their potential competitors, so their refusal is a method of protecting their business. We cannot push craftspeople to share their knowledge against their wishes, so we try to attract them by offering high fees to the trainers or looking for other trainers who do not care about competition.

The craftsperson, a sixty-year-old woman from Jalalabad province, refused the opportunity to partake, as she believed that after demonstrating her techniques, some craftspeople would be able to use her ornaments for profit, without sharing the profits with her. She feels that she is owner of these patterns even though this traditional knowledge was transmitted from earlier generations.

CACSARC-kg, as an organiser of the presentation of the project, accepted the right of the craftsperson for secrecy and invited another woman, a famous member of the CACSARC trainers' team who is always willing to share her knowledge with younger craftspeople. She made an excellent presentation of traditional patterns making.

We also invited a woman who refused to be a presenter as a participant of the round table to discuss issues of ICH and IP rights in the craft sphere.

In this way, we demonstrated our belief that in our age of globalisation, when traditional culture including craft objects are in danger of disappearing, the only way for small nation such as Kyrgyz to be saved is through transmitting ICH to the next generation. During round table, we tried to pass this thought to the participants (including one from Jalalabad), most of whom shared this idea.

Our institute has cases of documenting the rights and the participation of ICH subjects (bearers, practitioners, or communities) in the institute's information building and sharing activities. Up to implementing the *Beauty in Harmony with Nature: Kyrgyz Traditional Craft Technologies and Ornaments* project, we thought that we had right to use images of ICH products automatically as soon as we own photographs of the objects. But in the orientation seminar, Christensen Fund, the donor organisation, requested us to make an agreement concerning the use of ICH objects with our partners and custodians of traditional knowledge.

In framework of the project, ICH subjects (bearers, custodians, and creators) were informed in writing about the project's purpose in promoting ICH in Kyrgyzstan and abroad. So, all the ICH subjects, before being questioned by researchers, were requested to sign a form that gave CACSARC-kg the right to use the ICH information. This approval was signed by all respondents, excluding Chinese and Turkish citizens, who refused to sign any documents for political reasons.

Also, memorandum of understanding was signed between CACSARC-kg and the National Museum of Fine Arts concerning the common use of collected materials to promote Kyrgyz ICH. All profit should be used to continue activities on ICH protection after the *Beauty in Harmony with Nature: Kyrgyz Traditional Craft Technologies and Ornaments* project finishes.

CACSARC-kg still does not have a general guideline, policy, or protocol to address IP issues that could arise in the process of building and sharing ICH information. But the first steps were taken to prevent problems in sphere of IP rights, as we just faced the issue of following rules in collecting and sharing information related to ICH.

As we work very closely with creators and custodians of ICH, as well as with some users on the first and second level, we guess, that in future we can face the following problems regarding ICH and IP rights:

- identifying the nature of rights existing in ICH
- ownership of ICH
- maintenance of collected information

- adaptations
- secret, sacred, or confidential ICH
- bearers' moral rights
- sharing of benefits
- unfair use or misuse of ICH material

Some problems can arise in the stage of preparation. Problems regarding identifying the nature of rights existing on ICH that will be used in information building and sharing activities. We faced the problem of not being able to identify any kinds of IP rights and can be made answerable for our activities in terms of misusing ICH objects.

Problems regarding ICH ownership can arise in the stage for collecting and creating information. We had an experience when some individual members of artisan communities pretended to hold ownership concerning some ICH objects, which, by our opinion, were related to the entire community.

There were some cases in our practice of craftspeople claiming ownership of patterns or ornamental motifs of traditional felt rugs. The ornaments as well as composition of the felt rugs depend on local traditions in felt rug production, felt rug fashions streams in general, and the individual style of the craftsperson. So, it is nearly impossible to recognise ownership of every individual felt rug producer, even in terms of a percentage.

In the stage for maintaining information, problems regarding unfair use or misuse of ICH material and problems regarding secret, sacred, or confidential ICH can arise.

The stage for processing and producing information can include problems regarding portraits, filming, and reproduction as well as problems regarding the use of ICH as a trademark, geographical indication, or domain.

Problems regarding adaptations, secret, sacred, or confidential ICH, bearers' moral rights, and benefit sharing belong to the stage of using and disseminating information.

In general, there are good and trustful relations between CASARC-kg Public Foundation and focus groups, which consist of different players in the craft sector as they know that our organisation was established to help them. But among the groups, there are many issues regarding copyrights related to ICH intellectual property rights. Mostly it comes into play with the opposition of producers:

artisan-artisan, artisan-designer, and designer-designer. Sometimes, it is an international issue, such as when traders from other countries represent Kyrgyz craft products as theirs or steal Kyrgyz designs to produce the same product for the international market.

CACSARC-kg includes intellectual property matters in the institute's vision, purpose, function, and policies. By the institute's charter, the artisan is one of the main values of CACSARC-kg and protecting artisans' social, civil, and economic rights are part of the objectives of CACSARC-kg.

Developing the craft sector in Kyrgyzstan, also mentioned in the charter as an objective of CACSARC-kg, is impossible to achieve without protecting IP rights in the ICH sphere. Although we work with different ICH subjects, we never identified the nature of rights existing in ICH.

There is a real need in Kyrgyzstan to work out regulations and rules concerning the use of traditional knowledge. Now, it is impossible to recognise IP rights of the community or private person. As CACSARC-kg has not been equipped with policies or guidelines for protecting IP related aspects of ICH, we planned to collaborate with KYRGYZPATENT on these issues.

V . Future Plans

CACSARC-kg is planning to collaborate with KYRGYZPATENT on a two-year project, *Intellectual Property in Business Based on Traditional Handicrafts*.

Project Purpose

To protect rights of all players in the handicraft business field (traditional community, bearers of traditional craft skills and knowledge, custodians, creators, producers, artisans, designers, promoters, and traders) and to create rules for the legal collaboration among them

Project Vision

Kyrgyz community should recognise the value and importance of its ICH, which should be protected, and legal regulations should be accepted by all players of the craft sector and beyond.

Project Objectives

To protect ICH and participate in creating regulations for IP rights based on ICH information building and sharing in the craft sphere of Kyrgyzstan

To create a fair legal space in the craft sector, to empower specialists by increasing their knowledge on ICH intellectual property rights, to protect their IP rights at the national and international levels.

CACSARC-kg will function as a supporting agency to provide information and services concerning ICH and IP rights in the craft sphere.

Project Procedures

The project should consist of several stages:

1. Research and collect information.
2. Discuss ICH and IP issues among the players of the handicraft sector (representatives of the local communities, artisans, designers, traders, etc.), lawyers, local IP specialists, international consultants, and the media

3. Work out the regulations for protecting ICH and IP-related rights in the process of information building and sharing.
4. Draft legislation and promote it at the parliamentary level

Anticipated Procedures

1. Identifying project participants
2. Inviting specialists
3. Organising research
4. Organising round tables with the participation of the main players of the craft sector
5. Organising wide public discussions through the media (TV, radio, and newspapers)

Recommendations

As issues of IP rights related to ICH are not much developed in Kyrgyzstan, we think that any activities concerning ICH information building, sharing and utilizing are very important.

1. First of all it should be organized national wide research on needs of IP rights belong to ICH: planning activities, selecting ICH objects to be investigated, undergoing prior consultation on an activity, conducting field surveys (interviews, recording, filming, etc.), purchasing data, receiving donations, etc.
2. As CACSARC-kg is most developed institution in Kyrgyzstan in terms of ICH information collecting and utilizing, we would like to be ready to provide our human and informative resources, in case if such research will be planned and financed by UNESCO.
3. National wide long term discussion should be organized with participation of the related institutions and Media. The topic of discussion should be all stages of IP rights in ICH building and sharing, as issues of: ownership; an approval or an agreement related to collecting ICH information; unauthorized adaptations; secondary utilization of information (such as broadcasting, advertising, publicity, etc.); intellectual property of the secondarily used information; secrecy, sacredness, or confidentiality under customary laws and practices of ICH material collected and problems regarding disclosure of secret information; bearers' Moral Rights; distributing commercially, and utilizing existing information for broadcasting, advertising, publicity, Sharing of Benefits etc.
4. Based on the research and discussion it should be worked up the policy of IP rights in all ICH Building and Sharing stages.
5. After analyzing the data, team of the specialists should be invited to develop guideline on protection of IP rights related to ICH, including access, control, and use Communities' Involvement, bearers' moral and

economical rights, terms of use of ICH Material; unfair use or misuse of ICH and infringement of rights and responsibilities, terms of licensing etc.

In terms of NGOs' activities, question of the use of ICH information for promotion or educational purposes is very important. For craftspeople and entrepreneurs it would be important to be able to use ICH as trademark, geographical indication, or Domain name.

Prepared by
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Summary

KYRGYZPATENT is the authorized body in Kyrgyzstan intellectual property related matters. The institution distributes information on IP issues among population, and also provides a legal safeguard to ICH objects. CACSARC-kg is a public foundation, specialized in development of tradition cultures and handicrafts in the region generally, and in Kyrgyz Republic in particular.

Kyrgyz Patent Office

KYRGYZPATENT runs several activities in the field of ICH IP:

- Reception of applications for registration of objects of industrial property, based on traditional knowledge, including 30 inventions, 7 industrial prototypes and 3 useful models.
- Certification of ICH objects under IP Law:
Kyrgyz traditional intellectual game “Toguz Korgo-ol” (2009);
Kyrgyz traditional technology on making soap “Shakar” (2011);
Kyrgyz traditional food receipt “Tash-Kordo” (2011).

The report mentions that ICH subjects, such as individual artisans, designers, photographers, film makers – are also more or less involved in the process of IP issues recognition or solving.

Public Foundation CACSARC-kg

1. Institute Profiles and Activities

A. Information Building and Sharing

The main kinds of activities of CACSARC-kg are: Database/Archive building, training, publication and distribution. In addition to this, CACSARC-kg is also providing service to craftspeople, such as organization of craft fairs, promotion of their products to different markets all over the world.

- Identification: bearers of the traditional knowledge in the handicraft sphere all over Kyrgyzstan, as well as types of craft technologies and ornament.
- Documentation: knowledge bearers’ in different Kyrgyz traditional craft technologies, including those under danger of disappearance; tools and raw materials; methods of preparation of the raw materials, craft items’ production stages, forms and meanings of ornaments/ornamental motifs.
- Inventory making: research and inventory of the Kyrgyz craft technologies and ornament in Kyrgyzstan and Central Asia three times from 2005 to 2011.

- Database/Archive building: Archive of the handicraft items' photo and video images found in Museum archives of Kyrgyzstan and Russian Anthropological Museum in Sanct-Petersburg; creation of database of craft technologies and ornament classified by names of creators and territory; photos and video films; articles on NMC.
- Publication and distribution: Four catalogs on crafts items and exhibitions, directory of craftspeople and Map of crafts of Fergana Valley, many leaflets and articles in newsletters. Catalogs and directory were distributed in Central Asian region and beyond.
- Digitisation: Production of video courses on different craft technologies, TV and Radio programs with use of interview with craftspeople, video films and clips about ICH.
- Promoting: Kyrgyz and Central Asian crafts products to the regional and international markets over the world.
- Awareness-Raising: Crafts and traditional culture of Central Asia.
- Training: Transmission of the traditional knowledge and skills from the older generation to young people, from skilled masters to students through organizing of trainings.

Project1. Empowerment of entrepreneurship through development of handicrafts in Fergana Valley

The project was implemented in collaboration with partners from Tajikistan (NGO Fatkh) and Uzbekistan (Center of Crafts Development and Protection of Craftspeople's Rights "Hamsa") in 2005-2006 years. The project aims to help to develop the private entrepreneurship based on traditional handicrafts in Fergana Valley through providing to Kyrgyz, Tajik and Uzbek artisans support in informative, educational and organizational directions.

Project Procedures

- Research
- Database creation
- Publication activities
- Activities promotion in collaboration with Media
- Organizing of trainings on new product development
- Management and marketing of handicraft production
- Exhibition organization

Different Stages

- Identification of crafts' bearers
- Identification of craft technologies

Project Activities

- Interviewing artisans of Fergana
- Collection of rich material such as interview, photos, samples of the craft products
- Regional directory of craftspeople of Fergana Valley, craft map publication.

Project2. Beauty in harmony with nature: Kyrgyz traditional craft technologies and ornaments

The project was implemented by CACSARC-kg in partnership with National Museum of Fine Arts. Project was started in August 2009 and finished in August 2011.

The project goal is to prevent disappearance and give second birth to the traditional skills and knowledge in crafts sphere, demonstrating the harmonious combination of creative activities with wise and far-sighted approaches to the use of natural resources.

Project Values

- Nature and biodiversity as the basis of all life on the earth planet;
- Human creative activities in interaction with the environment;
- Traditional knowledge and skills (crafts technologies and ornament) embodying the experience of the previous generations;
- Custodians of this traditional knowledge and skills;
- Cultural products created with respectful attitude to the use of natural resources and own cultural heritage.

Project Activities

- The project activities include two main components:
- Field researches and data base formation
- Traditional handicraft skills and knowledge transmitting

Project Procedures

- Research
- Purchasing craft samples for the Fine Arts Museum funds
- Work in museum's archives
- Database creation
- Publication of activities
- TV, radio program and video clips creation
- Promotion activities (in collaboration with Media)

- Organizing of exhibition and project presentation
- Preparation of the programs for future trainings on traditional craft technologies

Activities

Preparation Stage

- Identification of knowledge related to universe
- Identification of traditional skills custodians
- Collection of materials such as stories, descriptions, pictures, photos, and video-materials

Production Stage

- Ornamental motifs with a sacral protecting function
- Fixation of orally ICH skills for safeguarding purposes
- Natural raw material gathered by local craftspeople from the environment for use in making handicrafts.

Dissemination Stage

- Activities promotion
- Databases processing (database of Kyrgyz traditional craft technologies)
- Representation of handicraft heritage of all its representatives
- Edition of materials translated into Kyrgyz, Russian, and English.

Project3. Patterns of Eastern Pamir

The Project was organized by NGO “yak House” (Tajikistan) in partnership with CASARC-kg. Project duration: April-May, 2011. Project focuses on traditional crafts production from animal industries, cultivation of yaks in Murgab district; Tajikistan: traditional crafts technologies produced for events related to rituals and customs, embroidered pillows, woven carpets, etc.

Project Goals

- Making research of the patterns, related to Kyrgyz people living in Eastern Pamir
- Transmission of the knowledge to pattern creation
- Safeguarding and reviving of the unique Kyrgyz patterns in Eastern Pamir.

Project Activities

Field Research

- Collection of data: text, photograph, recording, video, sketches, etc.

Production Stage

- Process craftspeople and their products fixed by photo and video cameras
- Production of Yak handicrafts products catalogues

Dissemination Stage

- Cooperation with local people concerning their consent for further use of their knowledge.
- Catalogue publication Data includes information of craft bearers, custodians, creators living in all provinces of Kyrgyzstan.

2. IP Issues in Information Building and Sharing

KYRGYZPATENT reports that the objects of folklore do not attribute to the IP in Kyrgyzstan, and in compliance with the legislation, they are not subjects to patenting and do not get a legal safeguard.

According to article 105 of the Civil Code of Kyrgyz Republic and article 8 of the “Law on Copyright and Allied Rights” of Kyrgyz Republic, the works of traditional art (folklore) are not the objects of copyright.

Kyrgyz Republic law “On the guard of traditional knowledge”, passed in 2007, and article 1 of the law, do not cover objects of folklore and traditional art. The primary purpose of law is prevention of the illegal patenting of inventions on the basis of traditional knowledge.

CACSARC-kg pointed out several IP issues related to activities’ management on:

- The owner of rights for the data
- Management data sharing with the National Arts Museum
- Information of ICH custodians about their rights and responsibilities in terms of transmitting of the traditional knowledge

In parallel, some IP issues have been arisen within CACSARC-kg activities

- Promotion of Kyrgyz craft products by publication of different printed materials
- Protection of craftspeople rights including their copyrights
- Issue related to the trainings based on sharing of the information, and traditional knowledge on craft technologies and ornament.

The report mentioned about a case of refusal of knowledge sharing by an ICH practitioner. Also, the issue concerning the agreement with custodians for the use of ICH objects, and misappropriation of Kyrgyz designs by traders onto the international market.

Another issue has been mentioned and related to the recognition of the owner of ICH. The issue of sharing benefits by the first and second level of users and

producers had also arose, as well as issue of copyright for the similar products, produced by several different designers who used the same traditional technologies or images. Some issues have arisen in the stage of utilizing and disseminating information, as well as in the stage of trading of the product.

IP Guidelines in Institute

According to the report provided, two specific codes have been in operation in the institutes:

- A Memorandum of Understanding signed with the National Museum of Fine Arts and concerning common use of collected materials with the purpose to promote the ICH of Kyrgyz people, and with use of all profits, to continue activities on ICH protection after the project ends.
- Approved written form by ICH subjects for the use of information provided.

In general, the institute lacks experience with IP aspects of ICH, and is not equipped with proper principle or guideline of data management. However, the institute would like to start working on IP issues in sphere of business based on traditional handicrafts.

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Annex 1 | *Questionnaire*

1. Introduction

Intangible cultural heritage (ICH), which is the source of human creativity and cultural diversity, has been diminishing since the onset of globalisation and urbanisation. In this regard, international society, working in tandem with UNESCO, has garnered public attention on ICH safeguarding, and the Convention for the Safeguarding of the Intangible Cultural Heritage was adopted in 2003.

According to Article 13, d.iii of the 2003 Convention, States Parties should establish documentation institutions for ICH and facilitate access to them to ensure the safeguarding, development, and promotion of ICH present in each State Party's territory. This is to say, the Convention encourages managing an institute related to information building and sharing—one that collects, produces, and disseminates ICH information.

The process of ICH information building and sharing could be the cornerstone to safeguarding ICH. However, as with most kinds of information activities in other fields, the process of ICH information building and sharing includes many intellectual property (IP) issues.

Many problems could arise while collecting and creating ICH information, while processing and producing ICH information, and while disseminating and utilising ICH information. Additional, diverse problems could also develop from the communities, institutes, or individuals involved in the process.

In particular, with the development of technology and the appearance of new media, ICH intellectual property issues can manifest themselves in many ways, and these problems have expanded into much more complicated arenas.

The International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region under the auspices of UNESCO (ICHCAP) has been concerned with IP issues related to ICH information building and sharing. To cope with these concerns, ICHCAP has endeavoured to develop a guideline for protecting IP in the process of ICH information building and sharing.

ICHCAP has proposed a project for a field survey to examine IP issues, focusing on activities of ICH information-related institutes in the Asia-Pacific region and on cases about how to deal with problems that arise in the process of ICH information building and sharing.

The survey is expected to contribute by allowing an exchange of experiences and know-how in the Asia-Pacific region to foster an environment to understand and resolve problems related to IP aspects of ICH. Furthermore, the survey results could be the foundation for developing a guideline for protecting IP rights during ICH information building and sharing.

2. Glossary

For the current survey, the terms below will have the given meanings.

- 1) Bearer
A member of a community who recognises, reproduces, transmits, transforms, creates, and forms a certain culture in and for a community. A bearer can, in addition, play one or more of the following roles: practitioner, creator, and custodian.¹
- 2) Community
People who share a self-ascribed sense of connectedness. This may be manifested, for example, in a feeling of identity or in common behaviour, as well as in activities and territories. Individuals can belong to more than one community.²
- 3) Custodian
A practitioner who has been entrusted by the community with the responsibility of safeguarding their intangible cultural heritage.³
- 4) Documentation
The recording of ICH in tangible forms.⁴
- 5) Identification
Technical description of a specific element constitutive of the ICH, often done in the context of a systematic inventory.⁵
- 6) Information Building and Sharing
A series of activities that build and utilise ICH information, such as identification, inventory making, documentation, and digitisation. The process of ICH information building and sharing consists of several stages: a stage for preparation, a stage for collecting and creating information, a stage for maintaining information, a stage for processing and producing information, and a stage for utilising and disseminating information.
- 7) Informants
Local experts from whom information about particular cultural practices is obtained, in the context of cultural field research.⁶

¹ UNESCO Glossary Intangible Cultural Heritage. Prepared by International Meeting of Experts on Intangible Cultural Heritage. The Hague, August 2002, p.4

²*Ibid.*

³*Ibid.*

⁴*Ibid.* p.5

⁵*Ibid.* p.5

⁶ Peter Seitel, *Proposed Terminology for Intangible Cultural Heritage: Towards Anthropological and Folkloristic Common Sense in a Global Era*. UNESCO International Round Table 'Intangible Cultural Heritage', 2001 p.9

- 8) Intangible Cultural Heritage (ICH)
Practices, representations, expressions, knowledge, and skills—as well as the instruments, objects, artefacts, and cultural spaces associated therewith—that communities, groups, and in some cases, individuals recognise as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature, and their history, and it provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.⁷
- 9) Intellectual Property (IP)
Legal rights that result from intellectual activity in the industrial, scientific, literary, or artistic fields.⁸ Common types of intellectual property rights include copyrights, trademarks, patents, industrial design rights, and trade secrets.
- 10) Inventory Making
Drawing up one or more inventories of the intangible cultural heritage present in territories to ensure identification with a view to safeguarding.⁹
- 11) Moral Rights
Owner's right to claim authorship of the work and to object to any distortion, mutilation, or other modification or derogatory action in relation to the said work that would be prejudicial to the owner's honour or reputation.¹⁰
- 12) Practitioner
A member of a community who actively reproduces, transmits, transforms, creates, and forms culture in and for the community by performing and otherwise maintaining social practices based on specialised knowledge and skills.¹¹
- 13) Stakeholder
Various levels of agency in ICH information building and sharing activities, including public and private institutions, and more specifically artists and creators of the cultural communities concerned.¹²
- 14) Subjects of ICH
Bearers, practitioners, and communities.

⁷ Art.2 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage, 2003

⁸ World Intellectual Property Organization, *WIPO Intellectual Property Handbook: Law, Policy and Use*, WIPO Publication No. 489(E). p.3

⁹ Art.12.1. UNESCO Convention for the Safeguarding. *opcit*

¹⁰ Art.6Bis Berne Convention for the Protection of literary and Artistic Works, Paris Text 1971

¹¹ UNESCO Glossary Intangible Cultural Heritage. *opcit* p.5

¹² Noriko Aikawa, *State of Intangible Heritage Development in the Lead Up to the 2003 Convention*. UNESCO Shanghai meeting in the lead up to the adoption of ICH Convention. Training of the trainers. Asia and Pacific. Module 1. p.21

3. Specific Questionnaire

A. Institute Overview

- 1) Profile of the institute
 - a) What is the name of institute?
 - b) Where is the institute located? (City/Country)
 - c) Please introduce the history of institute.
 - d) What are objectives and functions of the institute?
 - e) In what country/region have your institute's activities been carried out?
 - f) What kind of ICH is your institute specialised in?
Ex) performing arts, dance, music, rituals, ceremonies, etc.

- 2) Characteristics of the institute
 - a) Your institute can be classified as
 - Government department
 - Public institution
 - Public enterprise
 - Private enterprise
 - NGO
 - Other (Please explain the classification)
 - b) Is your institute affiliated with other organisations? If yes, please describe the parent or affiliated organisations—name, classification, objectives and functions, specialisation, etc. (over 200 words in English)
 - c) What are the institution's sources of budget?
Ex) a national budget, fund-raising activities, etc.

B. Information Building and Sharing Activities of Institute

- 3) Information building and sharing activities of the institute
 - a) Please indicate the kinds of activities your institute has done or is doing.
 - Identification
 - Documentation
 - Inventory making
 - Database/Archive building
 - Publication and distribution
 - Utilising digital contents
 - Other (Please explain other activities your institute has done)

- b) Among your answers in [B-3-a], which activity does your institute mainly focus on? (multiple answers allowed)
- (1) Please explain the activity (over 250 words in English)
 - (2) If any, please also provide guidelines, internal regulations, or other principles regarding the activity.
- c) Regarding your answers in [B-3-b], please describe specific projects related to the activity by giving a set of answers below. If you have more than one project, please provide a set of answers for each one (One to three examples are recommended, but you can also give more than three examples)
- (1) Name of project
 - (2) Duty department
 - (3) Background of project (over 150 words in English)
 - (4) Context of project (over 250 words in English)
 - (5) Procedures of project
 - (6) Outcomes/Effects
- d) If you indicated in [B-3-a] that your institute did activities related to database/archive building, please provide an additional explanation about the activities.
- (1) How did/does your institute obtain ICH-related data or archives?
 - Field work and documentation
 - Purchase
 - Donation
 - Other (Please explain how your institute obtains(ed) ICH-related data or archives)

If you checked more than one answer, what is the primary way your institute obtains(ed) ICH-related data or archives? Please arrange your answer according to the order of priority.
 - (2) Please provide an index of data or archives of your institute by giving a set of answers below.
 - (a) Name of data
 - (b) Online/Offline data
 - (c) Type of data
 - Ex) text, photograph, recording, video, etc.
 - (d) Source of data
 - (Where did the data originate?)
 - (e) Context of data
 - (f) Person/Organisation who has rights on the data
 - (g) Principle/Guideline of data management, if any.

C. Intellectual Property Issues in Institute

- 4) Does your institute have experience with a project regarding IP aspects of ICH?

- Yes
- No

If yes, please describe the project by answering the questions below. If you have more than one project, please provide a set of answers for each one.

- a) Name of project
- b) Duty department
- c) Background of project (over 150 words in English)
- d) Context of project (over 250 words in English)
- e) Procedures of project
- f) Outcomes/Effects

- 5) Is there a department, a unit, or an individual undertaking tasks related to intellectual property?

- Yes
- No

If yes, please provide information below.

- a) Name of department (which covers the unit or the individual)
- b) Name of duty person (in the department, the unit)
- c) Tasks of department
 - (a) Main task
(What is the main task of the department? [over 100 words in English])
 - (b) Tasks relating to intellectual property
(Please describe the tasks that are related to intellectual property [over 100 words in English])
- d) Contact information
 - (a) Contact number and e-mail of department
 - (b) Contact number and e-mail of duty person

- 6) Does your institute have a principle for protecting IP aspects of ICH?

- Yes
- No

If yes,

- a) Please describe the principle (over 150 words in English)
- b) If any, please attach documents related to answers in [C-6-a].

D. Intellectual Property Issues in the Process of Information Building and Sharing

ICH information building and sharing constitutes a series of activities that build and utilise ICH information, such as identification, inventory making, documentation, and digitisation. The process of ICH information building and sharing consists of several stages: a stage for preparation, a stage for collecting and creating information, a stage for maintaining information, a stage for processing and producing information, and a stage for utilising and disseminating information. Each stage is detailed below.

- The stage for preparation: conducting preliminary investigations, planning activities, selecting ICH objects to be investigated, undergoing prior consultation on an activity, etc.
- The stage for collecting and creating information: conducting field surveys (interviews, recording, filming, etc.), purchasing data, receiving donations, etc.
- The stage for maintaining information: building a database, keeping the data in its original form, classifying the data, constructing a security system for the data, etc.
- The stage for processing and producing information: editing, modifying, and upgrading information collected and maintained in the previous stages towards forms of documents, videos, web pages, etc.
- The stage for utilising and disseminating information: disclosing and disseminating information produced, distributing commercially, and utilising existing information for broadcasting, advertising, publicity, etc.

The management of ICH information raises equally different intellectual property issues from one category to another, be it in the phase of preparation, collection, production, or dissemination.

In **the stage for preparation**, intellectual property issues that could arise are below.

- Problems regarding identifying the nature of rights existing in ICH that will be targeted in information building and sharing activities
 - Identifying copyrighted works
 - Identifying unpublished or unknown authors' works
- Problems regarding compliance with a country's laws and regulations or customs concerning ICH information building and sharing activities

- Identifying a country's laws and regulations or customs that could affect information building and sharing activities
- Examining the range of protection under national statutes of IP rights of ICH practitioners and creators
- Others
 - Other intellectual property issues that could arise during the preparation stage

In the stage for collecting and creating information, the stage for maintaining information, the stage for processing and producing information, and the stage for utilising and disseminating information, intellectual property issues that could arise are below, grouped into categories of IP rights.

Ownership

- Identification of the owner of the copyright and related rights in the recordings, films, or manuscripts embodying ICH
- Determination of ownership of both the database itself and its contents
- Issue of bearers' ownership rights in adaptations such as lawful inspiration or the borrowing of work based on one or several pre-existing ICH work(s)
- Custodians', owners', and/or managers' rights of ownership of secondary materials embodying ICH (secondary materials include items such as films, sound recordings, photographs, and written documents.)
- Bearers' ownership of ICH-derived materials that are legally owned by the creator of the document, recording, and/or database embodying ICH
- Issue of joint ownership in work involving ICH material

Prior Informed Consent or Approval

- Issue of an approval or an agreement related to collecting ICH information
 - Identifying the authority who has been granted power to approve (permission or agreement from bearers, practitioners, communities, or other stakeholders)
 - Determining the terms and scope of the approval or agreement from bearers, practitioners, communities, or other stakeholders

- Prior informed consent to the reproduction, use, and display of ICH material
- Bearer's, practitioner's, or community's objections to utilising and disseminating information
- Determination of the format of agreements: consent forms to access and use ICH materials, licenses, undertakings, etc.

Maintenance of Collected Information

- Determination of data classification in an area of protection under IP related law
- Determination of the database to be built according to its uniqueness in IP related law

Adaptations

- The issue of unauthorised adaptations
- Issue of legal rights that could arise during secondary utilisation of information
 - Permission from stakeholders about secondary utilisation, such as broadcasting, advertising, publicity, etc.
 - Intellectual property of the secondarily used information

Secret, Sacred, or Confidential ICH

- Issue of secrecy, sacredness, or confidentiality under customary laws and practices of ICH material collected
- Problems regarding disclosure of secret information

Access, Control, and Use

Communities' Involvement

- Determination of communities' participation in the recording, digitisation, and dissemination of ICH for safeguarding, promotional, and income-generating purposes
- Communities' involvement in the decision-making processes related to the management of ICH elements held by institutes
- Authority of ICH subjects and their capacity to manage information once produced
- Bearers' agreement on modification or transformation of ICH materials

- Determination of communities' legitimate rights holders
- Management of access and use of ICH information by communities
- General public's interests to benefit from and enjoy the information building and sharing activities of ICH

Relationships

- Issue of database users' interaction with bearers for use of ICH
- Issue of relationships between an institution that holds the material, and a bearer, be it the owner, custodian, or manager.

Terms of Use of ICH Material

- Code on management, access, and use of ICH information
- Compliance with restricted ICH use under customary laws and practices
- Establishment of IP-related protocols, policies, and practices

Infringement of Rights and Responsibilities

- Infringement of intellectual property rights existing in the ICH information
 - Copyrights in literary, musical, and artistic expressions
 - Related rights (performers', phonograms', producers', and broadcasting organisations' rights) in performances, rituals, recordings, etc.
 - Trademark in cultural names, signs, indications, marks, symbols, etc.
 - Indigenous know-how and knowledge protected under trade secrets, patent law, etc.
 - Design rights in cultural textiles, poetry, etc.
- Legal responsibilities of institutes leading the activities
 - Vis-à-vis communities from which the ICH was collected
 - Vis-à-vis users to whom ICH is delivered
 - Vis-à-vis website viewers of digitised ICH collections

Licensing

- Licensing by institutions of ICH material in a recording, database, or collection
- Terms of licensing
- Content of ICH material to be licensed
- Identification of the exact licensee and licensor

Bearer's Moral Rights

- Disclosure of ICH ownership information on any related use
- Problems regarding the determination of the range of disclosure
- Case of derogatory work related to ICH
- Respect of bearers' right to integrity

Sharing of Benefits

- Issue of respect of bearers' economic rights
 - Right to translation
 - Right to reproduction
 - Right to communication to the public
 - Others
- Problems regarding the distribution of profit that comes from utilising and disseminating information
 - Economic compensation for bearers, practitioners, or communities
 - Economic compensation for other affiliated organisations or individuals, such as collectors, researchers, agencies, or collective management organisations

Unfair Use or Misuse of ICH

- Misappropriation of ICH material by an institute
- Misappropriation of ICH material by a third party

Portraits, Filming, or Reproduction of ICH Material

- Right to use for commercial purposes
- Respect of motion pictures right in ICH digitisation
- Moral rights of bearers in portraits or films
- Respect of the sacredness, secret, or sanctity of portraits or films
- Right to reproduction in digitising a photograph
- Exception to copyright in cases of promotional or educational purposes

Use of ICH as Trademark, Geographical Indication, or Domain Name

- Bearers' approval in using ICH material as logos or product identifiers
- Misuse of cultural words as trade name, domain name, or geographical indication

7) Have any of the above issues arisen in any of the stages at your institute?

- Yes
- No

If yes, please describe the issue by answering the questions below. If you have more than one issue, please provide a set of answers for each one.

a) Please explain the activity your institute did.

(a) Name of project

(b) Sort of activity

(What kind of information building and sharing activities did your institute do in the project?)

Ex) identification, documentation, inventory making, database building, etc.

(c) Objective of project

b) What kinds of issues have arisen?

- Problems regarding compliance with a country's laws and regulations or customs concerning ICH information building and sharing activities
- Problems regarding identifying the nature of rights existing on ICH that will be used in information building and sharing activities
- Problems regarding identifying the nature of rights existing in ICH
- Problems regarding ownership of ICH
- Problems regarding prior informed consent or approval
- Problems regarding maintenance of collected Information
- Problems regarding adaptations
- Problems regarding secret, sacred, or confidential ICH
- Problems regarding bearers' moral rights
- Problems regarding sharing of benefits
- Problems regarding unfair use or misuse of ICH material
- Problems regarding portraits, filming, and reproduction
- Problems regarding the use of ICH as a trademark, geographical indication, or domain
- Other (Please indicate the issue)

c) Please indicate all stages in which the issue has arisen.

- The stage for preparation
- The stage for collecting and creating information
- The stage for maintaining information
- The stage for processing and producing information
- The stage utilising and disseminating information

- d) What was the cause and content of the issue? (over 500 words in English)
 - e) Who were the stakeholders involved with the issue?
 - f) What did the institute do to resolve the issue? Please describe the process and the results of the resolution. (over 500 words in English)
 - g) What was the institute's principle in the process of dealing with the issue?
 - h) Does your institute have a guideline, policy, or protocol regarding legal issues that could arise during the stage?
 - Yes
 - No
 If yes, please attach the copy of the guidelines, policies, or protocols.
 - i) Please attach any other forms (ex. form of agreement) that were used during the stage.
- 8) Through your institute's experience, what kind of legal issues regarding IP aspects of ICH do you think could arise in each stage? (over 400 words in English)
- 9) In relation to [D-7] and [D-8], what kind of alternatives, guidelines, policies, or protocols do you think should be prepared? (over 400 words in English)

E. Institute's Activities

Here are questions on issues that could arise in the entire process of the institute's activities.

- 10) What kind of relationship does your institute have with ICH subjects, such as informants, collectors, researchers?
- Ex) one-way asymmetrical relationship, one-way symmetrical relationship, two-way asymmetrical relationship, two-way symmetrical relationship, owner vs. custodian, etc.
- 11) Does your institute include intellectual property issues in the institute's vision, purpose, function, policies, etc.? If yes, please indicate your institute's vision, purpose, function, policies, etc. that addresses intellectual property issues.
- 12) Does your institute have a representative legal dispute regarding the institute's information building and sharing activities?
- Yes
 - No

If yes, please describe the case. If you have had more than one case, please provide a set of answers for each one.

- a) Name of project
- b) Sort of activity
- c) Purpose of project
- d) Procedures and context (over 200 words in English)
- e) Issue activated (over 200 words in English)
- f) Response to the issue

(Who or what department was in charge of the issue? How did the department cope with the issue? Were the principles or guidelines adjusted to the case? [over 300 words in English])

- 13) Does your institute have a case of guaranteeing the rights and the participation of ICH subjects (bearers, practitioners, or communities) in the institute's information building and sharing activities?

- Yes
- No

If yes, please describe the case below. If you have more than one case, please provide a set of answers for each one.

- a) Name of project
- b) Sort of activity
- c) Purpose of project
- d) Participation of subject in the procedure (over 300 words in English)
- e) Rights of subject guaranteed
- f) Please attach related documents.

- 14) Have policies or guidelines for protecting intellectual property rights of ICH in the process of information building and sharing been well organised in your institute?

- Yes
- No

If yes, please provide information on the policy or the guideline, including

- a) Context of the policy or the guideline
- b) Please attach related forms. (ex. form of agreement)

F. Related Legislation

- 15) In your institute's country, is legislation or the legal system for the protection of cultural heritage organised?

- Yes
- No

If yes, please describe the legislation or the legal system below.

- a) Full title
- b) The relevant sections or paragraphs
- c) Date of coming into force
- d) Details of the office responsible for administering the laws
- e) Copies of laws and regulations
- f) What are issues or problems regarding IP aspects of ICH that cannot be covered by the legislation or the legal system described above?
- g) What kind of legal systems or devices need to be added for the protection of IP aspects of ICH?

If no, please provide additional information below.

- h) Legal systems or regulations expected to be issued
- i) Status of processing

G. Future Plans

In case your institute has not been equipped with policies or guidelines for protecting intellectual property related aspects of ICH, please answer the following questions.

- 16) Does your institute have plans for organising guidelines or regulations for protecting ICH intellectual property related rights in the process of information building and sharing?
 - Yes
 - No
 - a) If yes, please describe your institute's future plans (manner and context) for organising guidelines or regulations. (over 250 words in English)
 - b) If a future plan is in the process of being organised, please provide additional information below.
 - (1) Guidelines or regulations expected to be organised
 - (2) Status of processing
- 17) Does your institute have plans for projects regarding the protection of intellectual property related rights in the process of information building and sharing?
 - Yes
 - No

If yes, please describe the project below.

- a) Purpose of project
- b) Term and duration
- c) Context
- d) Anticipated procedures

H. Other Opinions

18) Please provide any kind of information related to the purpose of this survey.

4. Contacts

Please provide contact information of the person who is in charge of this survey report.

Name	
Position	
Department	
Address	
E-mail	
Telephone	
Mobile	
Fax	

5. Reference materials

Please provide all attached materials with information below.

Distinction (relevant question)	
Form of material	
Name	
Source	
Context	

6. Results

Replies to this questionnaire should kindly be sent no later than the prearranged date to the following address.

Ms Saymin Lee (Information & Research Section)
Intangible Cultural Heritage Centre for Asia and the Pacific (ICHCAP)
National Research Institute of Cultural Heritage Bldg (4F)
132 Munji-ro, Yuseong-gu, Deajeon 305-380
Republic of Korea
Tel. +82 42 820 3513 / Fax. +82 42 820 3500

The survey may also be e-mailed to the address below, but in addition to the e-mailed materials, please kindly send the requested references materials to the above address.

E-mail: ichcap@gmail.com
smlee@ichcap.org

Reference materials can be submitted using Webhard.

Address: www.webhard.net
Id: ICHCAP
Password: ichcap

Thank you for your valuable contribution to the survey.

Annex 2 | ***CACSARC-kg Leaflet***

Leaflet about CACSARC-kg activities

Mission

Revival and development of traditional crafts, consolidation of artisans' efforts for mutual cultural enrichment of Central Asian peoples and their integration into the world market.



Values

- Craftsmen as bearers of centuries-old traditions
- High quality, combining traditions and modernity
- Uniqueness of traditional culture, through which people preserve their identity and uniqueness in the context of globalization.



Organizational structure and membership

Today CACSA comprises 71 member-organizations, reaching about 7 thousand artisans in the region: Kazakhstan - 7, Kyrgyzstan - 37, Mongolia - 1, Tajikistan - 4, Turkmenistan - 4, Uzbekistan - 18. The General Assembly and the CACSA Board represented by all countries of Central Asia determine the general management policies. CACSA has the Public Advisory Council consisting of international experts in handicrafts and folk art.

History

1994 – 1998 Projects implementation in Central Asia with the support of Aid to Artisans (US-based crafts support organization), which led to establishing the network of craft organizations in the region;

1998 – 1999 Artisans' partner organizations joined together, preparing to establish the Crafts Support Association;

2000 The Association was legally registered, uniting 17 artisans' organizations from five countries of Central Asia;

2000 – 2006 Crafts support and development in Central Asia.

From 2003 Member of World Crafts Council.

Activities

- Informational support;
- Training and workshops;
- Public and government awareness and support;
- Institutional support;
- Creating conditions for the development of craft markets.



The results of CACSA activities

- Craft sector research conducted, strategic plans developed and adopted for crafts support in Central Asia.
- Regional crafts and artisans' database created;
- Material and technical support provided to CACSA members;
- Quality improved and the craft production range extended via education, training and the UNESCO project "Seal of Excellence for Handicraft Products";
- New markets explored via participating in international fairs and exhibitions, e-commerce and export;
- Artisans' social status-quo and income in the region increased;
- Partnership established with international organizations for integration into the world crafts process;
- Conditions for government's support of craft sector and lobbying artisans' interests at a legislative level created (as a result of CACSA project under the TACIS program the National Crafts Council was established in Kyrgyzstan);
- CACSA-Trade Ltd (crafts export), Raw materials bank, Handicrafts salon, Regional Resource Center (marketing, training, workshops, fairs) established with the support of Eurasia Foundation and Aid to Artisans to develop and promote regional crafts.

Prospective:

- Establishing the regional network of resource centers.
- Strengthening CACSA's educational and marketing potential.
- Further integration into the world crafts development process.



CENTRAL ASIA CRAFTS SUPPORT ASSOCIATION



Major donors

Aid to Artisans
Eurasia Foundation Central Asia
UNESCO
European Commission
Counterpart Consortium
Soros-Kyrgyzstan Foundation
and others

Contact:

Central Asia Crafts Support Association (CACSA)
162-a, Manaschy Sagynbai St
Bishkek, Kyrgyz Republic, 720017
tel./fax: (+996312) 662445, 620385
e-mail: cacsa@infotel.kg
website: www.catgen.com/cacsa
www.cacsa.kg

**Annex 3 | *Agreement between
CACSARC-kg & Respondents***

Agreement between CACSARC-kg and Respondents

Свидетельство

Местный носитель традиционных знаний, принимавший участие в проекте: «Красота в гармонии с природой: кыргызские традиционные ремесленные технологии и орнамент» подтверждает, что был отмечен сертификатам участника проекта.

Участник, передавший свои знания по кыргызским традиционным ремесленным технологиям и орнаменту согласен, чтобы его имя и полученная от него информация будет внесена в проектную базу данных и была использована при создании различного рода информационного материала с целью передачи знаний следующему поколению.

Фамилия, имя участника: Ормоналиева Гулбаркан

Адрес участника: село Аркын, Аксыйский район

Подпись: _____

Дата: 21.06.2011 г.

Certificate-Agreement

Proves participation of the local barrier of the traditional knowledge in the Project «**Beauty in Harmony with nature: Kyrgyz traditional craft technologies and Ornament**».

Project participant, passed his knowledge on Kyrgyz traditional craft technologies and ornament, is agree, that his name and information was received from him, will be included into the Project Data and can be used in creating different kinds of informative materials to be passed this knowledge to the next generations.

Name of the Project participant: Kadyrova Gulnar

Address: Arkyn village, Aksy district, Kyrgyz Republic

Signature: _____

Date: 21.06.2011

**Annex 4|*MOU between CACSARC-kg &
National Museum of Fine Arts***

Memorandum of Understanding

between CACSARC-kg and National Museum of Fine Arts of Kyrgyz Republic

Original in Russian

MEMORANDUM OF COOPERATION

between

Public Foundation CACSARC-kg
Kyrgyzstan, 720017
Bishkek
Manasehy Sagynbay street, 162-A

The State Fine Arts Museum
After G. Aitiyev
Kyrgyzstan, Bishkek,
Abdurahmanov street, 196

The State Fine Arts Museum after G. Aitiyev, represented by its Director Mr. Yu, Shygaev, and Public Foundation CACSARC-kg, represented by its Director MS. D. Chochunbaeva (hereinafter referred to as “Parties”) have concluded the present Memorandum of Cooperation (hereinafter referred to as “Memorandum”) and have agreed on the following:

Article 1.

Parties, within the frame of their competence, will undertake all appropriate measures for implementation of the project “Beauty in harmony with nature: Kyrgyz traditional crafts knowledge and skills” supported by the Christensen Foundation.

Article 2.

Parties will have cooperation in the following directions:

1. Conduction research work according to the project in the countries of Central Asia, Turkey and China
2. Comiling the Museum stock with the materials of the researches.
3. Publications, exhibitions and other events on the results of the project activities on the basis of joint right for intellectual property

Article 3.

All amendments and changes to the Memorandum must be made in written form as agreed by the parties.

All disputes and discrepancies between the Parties will be settled through negotiations

Article 4.

The Memorandum comes into force from the date of its signature by the Parties and is concluded for the implementation period of the project “Beauty in harmony with nature: Kyrgyz traditional craft knowledge and skills” supported by the Christensen Foundation from 1 May 2009 to 1 May 2011, until one of the Parties informs the other Party in written about its intention to dissolve the agreement.

Bishkek, 14 April 2009
For Public Foundation
CACsARC-kg

Signature
D. Chochunbaeva
Director

Bishkek, 14 April 2009
For the State Fine Arts Museum
after G. Aitiyev

Signature
Yu. Shygaev
Director

Annex 5|*Relevant Law*

Law of Kyrgyz Republic

On the Protection of Traditional Knowledge

Bishkek city, July 31, 2007, № 116

LAW OF THE KYRGYZ REPUBLIC

On the Protection of Traditional Knowledge

Section I. General Provisions

Section II. State Regulation of Traditional Knowledge

Section III. Legal subjects in the field of Traditional Knowledge

Section IV. Rendering the protection in the field of Traditional Knowledge

Section V. Registration of Traditional Knowledge

The present Law secures general provisions of the State policy and legal, economic and social guarantees in the field of Traditional Knowledge, including Traditional Knowledge using genetic resources (hereinafter referred to as Traditional Knowledge) aimed at further sustainable development of the country and arrangement of conditions for fair distribution of benefits arising from the use of Traditional Knowledge, which is an historical heritage and property of the Kyrgyz Republic people.

Legislation of the Kyrgyz Republic on Traditional Knowledge consists of Constitution of the Kyrgyz Republic, the present Law and other normative legal acts of the Kyrgyz Republic.

Section I General Provisions

Article 1. Legal Regime of the Traditional Knowledge Protection

The present Law shall establish a legal regime for the protection of Traditional Knowledge in the Kyrgyz Republic territory.

The present Law shall not cover expressions of folklore and national handicraft arts.

Legal relationships in the field of use of genetic resources and the order of access to genetic resources of the Kyrgyz Republic shall be regulated in accordance with legislation of the Kyrgyz Republic.

Article2. General Concepts used in this Law

Traditional Knowledge shall mean knowledge, methods and manners, including use of genetic resources, used in different fields of the human activities, which have been transferred from one generation to another eventually in certain order and meaning. This knowledge have been kept and adapted for different needs of the local communities and the owners of traditional knowledge and represent particular value for the development of various fields of activities;

Traditional Knowledge holders shall mean the local communities, natural persons and legal entities with any legal structure and with any pattern of ownership who are the possessors of Traditional Knowledge;

Local community shall mean a population permanently residing on the territory of a village, township or city administration and other particular territories of the Kyrgyz Republic with their own national and cultural traditions, way of life and traditional knowledge in different fields of the human activities which possibly may improve the level of living standards;

Genetic Resources include all fauna and flora of terrestrial, marine and any other origin, which may be used by the owners of Traditional Knowledge to obtain specific practical outputs in any field of the human activities.

Section II State Regulation of Traditional Knowledge

Article3. Objectives and tasks of the State regulation

The objective of the state regulation in the field of Traditional Knowledge is a legal protection, promotion of reservation and wide use of Traditional Knowledge in different fields of human activities, assistance in use of Traditional Knowledge, including knowledge based on genetic resources in industrial production, as well as further commercialization of objects produced as a result of their use.

State regulation in the field of Traditional Knowledge shall include the following:

- 1) Creation of the preventive mechanism aimed at protection of Traditional Knowledge from illegal patenting of subject-matters created on the bases of Traditional Knowledge and use of associated genetic resources by the inclusion the Traditional Knowledge into database;
- 2) Fair distribution of benefits received due to usage of Traditional Knowledge in favor of local communities;
- 3) Establishment of the fund for development of local communities, which

- can be supported by financial transfers collected during the usage of Traditional Knowledge and genetic resources;
- 4) Establishment of the State fund for development of the system of usage of Traditional Knowledge;
 - 5) conducting scientific researches on Traditional Knowledge and existing genetic resources as to their practical use, inter alia:
 - reveal the priority trends in researches in the field of Traditional Knowledge using genetic resources, which may contribute significantly to the preservation of environment;
 - development and improvement of new types of genetic resources utilization;
 - making scientific studies in order to create the inventory on Traditional Knowledge on the territory of the Kyrgyz Republic;
 - reveal of well-known and widely used Traditional Knowledge.

Article 4. Authorized State Body

The state policy in the field of Traditional Knowledge shall be performed by the Authorized State Body in the field of Intellectual Property (hereinafter referred to as the Authorized Body). Pursuant to this Law the Authorized Body shall receive applications for registration of Traditional Knowledge, fulfill the State registration, include the data on the registration into the State Register, form the database on Traditional Knowledge, publish data on Traditional Knowledge, elaborate and issue normative legal acts for enforcement of this Law.

Section III

Legal subjects in the field of Traditional Knowledge

Article 5. Legal subjects

Legal subjects in the field of Traditional Knowledge are the State, local communities, natural persons and legal entities irrespective of their structural and legal forms and patterns of ownership as well as foreign natural persons and legal entities.

Article 6. Representation of the interests of Traditional Knowledge holders

Interests of the holders of Traditional Knowledge may be represented by the public organizations of natural persons and legal entities established by Traditional Knowledge holders of particular area acting on the base of appropriate statute of such organization and state registration.

Interests of a natural person who is a traditional knowledge holder may be

represented both by that natural person himself and by the representative assigned by him.

Foreign natural persons and legal entities in accordance with the present Law shall be entitled to act through their official representatives.

Section IV

Rendering the protection in the field of Traditional Knowledge

Article 7. Legal protection of Traditional Knowledge

Legal protection shall cover Traditional Knowledge, which is practically applicable in appropriate field of the human activities and which has positive result in the appropriate field.

Legal protection shall not cover Traditional Knowledge, which is actually or possibly may cause damage to human life and health as well as to environment.

For the rise of legal protection of traditional knowledge an official registration shall be required in the order established by this Law or entered into force in the order established by the legislation of the Kyrgyz Republic or in virtue of an international agreement of the Kyrgyz Republic.

Traditional Knowledge may be registered by one or jointly by several legal entities or natural persons irrespective of their patterns of ownership, who are the holders of Traditional Knowledge.

In order to protect Traditional Knowledge in the Kyrgyz Republic, inclusion them into the database, applications for registration of Traditional Knowledge may be filed by State bodies and institutions.

The order of registration and use of Traditional Knowledge by State bodies and institutions shall be determined by the Government of the Kyrgyz Republic.

Registration of Traditional Knowledge in the Kyrgyz Republic shall not be limited in time.

Article 8. Patenting of subject-matters created on the base of Traditional Knowledge

Patenting of subject-matters, which are representing Traditional Knowledge shall not be allowed in the Kyrgyz Republic.

When patenting the subject-matters created on the base of Traditional

Knowledge, materials of the application must contain reveal of origin of Traditional Knowledge which is used as prior art or prototype. The applicant shall indicate the source of making Traditional Knowledge available to the public.

Holder of a certificate, which name is indicated in the registered Traditional Knowledge shall be entitled to receive remuneration from the owner of a patent for invention created by use of Traditional Knowledge.

The order of payment of remuneration for use of Traditional Knowledge with the purpose of creation of invention shall be determined by an agreement between the owner of certificate for Traditional Knowledge and the owner of a patent for invention.

At the same time such agreement must specify assignments to be made for use of Traditional Knowledge to the Fund for development of local communities or the State fund for development of the system of Traditional Knowledge usage.

In order to prevent illegal patenting of subject-matters created on the base of Traditional Knowledge the Traditional Knowledge database shall be maintained, which shall be used during examination of subject-matters to be patented.

The database shall be maintained by the Authorized State Body based on the data on registered Traditional Knowledge and information regarding Traditional Knowledge which has entered into public domain.

Section V

Registration of Traditional Knowledge

Article9. Application for registration and granting the right to use Traditional Knowledge or for granting the right to use registered Traditional Knowledge

An application for registration and granting the right to use Traditional Knowledge or for granting the right to use registered Traditional Knowledge (hereinafter referred to as Application) shall be filed to the Authorized Body by applicant personally or through his/her representative (representatives) acting on the basis of a power of attorney granted by the applicant whose interests are represented by him.

An application shall be filed in the State or Official language.

An application shall contain the following:

- 1) application for traditional knowledge registration and granting the right

to use Traditional Knowledge or granting the right to use registered Traditional Knowledge stating the applicant as well as his location and place of residence;

- 2) specific and complete description of Traditional Knowledge, including:
 - point of origin of Traditional Knowledge (borders of a geographic object);
 - description of genetic resource, which is being used in connection with particular traditional knowledge;
 - field of application and expected positive result of traditional knowledge used;
 - information relevant to previously issued publications regarding a particular traditional knowledge.

The following documents shall be attached to the application:

- 1) An official document granted by the competent authority confirming a practical applicability of Traditional Knowledge and positive result of use thereof in appropriate field of activity.
- 2) Conclusion of the competent body (bodies) confirming membership of the applicant in a local community and/or is located in geographic object for which Traditional Knowledge is pertained to.

In case of filing the application for registration of Traditional Knowledge by State bodies, the said conclusion shall not be required.

- 3) For foreign applicant a document confirming his/her right for the claimed Traditional Knowledge in the country of origin

The Authorized body shall establish any other requirements to the abovementioned documents and order of their filing in accordance with the legislation of the Kyrgyz Republic.

Article 10. Consideration of the application

Consideration of the application shall be carried out within three months since the date of filing to the Authorized body. During consideration of the application the contents of required documents, correctness of registration thereof and correspondence of the claimed traditional knowledge with the requirements provided by Article 9 of this Law shall be checked.

According to the results of consideration of the application a decision to register or refuse registration of Traditional Knowledge shall be taken.

Failure to meet the conditions provided by Article 9 of this Law shall be considered as the grounds for refusal of Traditional Knowledge registration.

Article 11. Registration of Traditional Knowledge and Certificates Granting

The Authorized Body upon positive decision taken on Traditional Knowledge registration and payment of appropriate registration fees shall enter the information on registration into the State Register of Traditional Knowledge of the Kyrgyz Republic (hereinafter referred to as Register). The order of entering and list of information entered into the Register shall be determined by the Authorized Body.

The information related to registration of Traditional Knowledge can be published in official publications of the Authorized Body if Traditional Knowledge holder wishes to do so. The Authorized Body upon consultation with the traditional knowledge holder shall define the scope and contents of the information subject to publication.

Traditional Knowledge, which is being published partially or not published at all, shall be kept by the Authorized Body confidentially.

Appropriate fee shall be paid within two months since the date of decision receipt by the applicant.

Applicants, whose names are indicated as Traditional Knowledge owners or who were granted the right to use Traditional Knowledge in appropriate manner shall receive certificates with a form prescribed by the Authorized Body. A form of certificates and content of the data contained therein shall be specified by the Authorized Body.

A certificate shall be granted by the Authorized Body within two months after publication in the Official Bulletin.

Article 12. Term of validity of a certificate for the right to use Traditional Knowledge

This certificate shall be valid within five years since the date of application filing to the Authorized Body.

Term of validity of a certificate may be extended upon the request of the certificate owner provided that appropriate fee is paid.

Application for extension of the term of validity of a certificate shall be filed within last year of the certificate's validity.

Term of validity of a certificate shall be extended for ten years each time.

Upon solicitation by the certificate owner for extension of the term of validity he/she may receive additional six-month-period of extension provided that additional fee is paid.

Record on the extension of term of validity of a certificate shall be made by the Authorized Body in the Register and certificate.

Article 13. Making alterations into the Register and certificate

Certificate owner shall notify the Authorized Body on the change of his/her title, surname, given or patronymic names and any other changes related to registration and granting the right to use Traditional Knowledge.

Record of the change shall be made in the Register and certificate provided that appropriate fee is paid.

Corrections of obvious and technical mistakes, which were made not because of applicant's fault shall be made by the Authorized Body in the Register and certificate of registration and/or of the right to use Traditional Knowledge without payment of any additional fees.

Article 14. Agreement for Traditional Knowledge utilization

Pursuant to this Law a person who is not the owner of Traditional Knowledge may receive a right to use Traditional Knowledge provided that appropriate agreement is concluded between him/her and the owner of Traditional Knowledge, who has registered Traditional Knowledge in the Authorized Body.

According to the agreement the owner of Traditional Knowledge shall grant the right to use Traditional Knowledge to other person in the scope of transferred rights, time-limits, territory and order of payments established by this agreement. Conditions of the agreement are subject to the mutual consent of the parties concerned. The agreement shall be registered in the Authorized Body provided that appropriate fee is paid.

The agreement must provide a provision of assignments for use of Traditional Knowledge to the Fund for the development of a local community or the State Fund for development of the system of Traditional Knowledge usage.

At the same time assignments for use of Traditional Knowledge provided by the agreement to the Fund for the development of a relevant local community or the State Fund for development of the system of Traditional Knowledge usage shall be not less than 20%.

Article 15. Fees

For performance of any legal actions related to registration or granting the right to use Traditional Knowledge appropriate fees shall be charged, which shall be paid to the Authorized Body.

List of actions for which fees shall be paid, their size and terms of payment as well as grounds for exemptions to pay fees, reduction and refunds thereof shall be determined by the Government of the Kyrgyz Republic.

Fees shall be paid to the Authorized Body by the applicant, certificate owner or as agreed by any natural persons or legal entities.

All funds assigned to the account of the Authorized Body in the form of fees, including currency funds and payment for services and materials shall be used by the Authorized Body for technical equipment, creation and application of automated system, maintenance the database on Traditional Knowledge, training and motivation of the staff as well as development of Intellectual Property system.

Article 16. Funds

In order to reserve Traditional Knowledge and distribute fairly benefits from use thereof the owners of Traditional Knowledge shall establish the Fund for development of a local community.

In order to develop the Traditional Knowledge system the State Fund for development of Traditional Knowledge usage shall be established under the Authorized Body.

The sources of financing of the Fund shall include assignments under the agreements for use of Traditional Knowledge and other sources, which are not forbidden by the legislation of the Kyrgyz Republic.

Article 17. Use of Traditional Knowledge

Production, application, import, distribution, offer for sale, sale and other entering to economic turnover shall be deemed as a usage of Traditional Knowledge in subject-matters containing and created on their base.

Use in production with commercial purposes without conclusion of agreements with Traditional Knowledge holders shall be deemed as illegal use of Traditional Knowledge.

Use of Traditional Knowledge shall be allowed without consent of Traditional Knowledge holder if such a usage takes place for educational and research purposes provided that the source is indicated and exclusively for personal purposes.

In case of nonuse or insufficient use of registered Traditional Knowledge by the owner of certificates during three years from the date of issuance of certificates, any person wishing to use protected Traditional Knowledge if the owner of certificate refuses to conclude the agreement to use Traditional Knowledge with such person subject to conditions corresponding a common practice, shall be entitled to go to court with a suit for granting him/her such a permission to use Traditional Knowledge concerned.

In the event that the owner of certificate fails to prove that nonuse or insufficient use was caused by reasonable excuse, the court shall give the said permission with identification of the scope of use, size, terms and order of payment.

Size of payments for use of Traditional Knowledge shall be specified in accordance with common practice.

In case of force-majeure (disasters, catastrophes, accidents) as well as in the interest of national security the Government of the Kyrgyz Republic shall be entitled to issue permission to use Traditional Knowledge provided that reasonable compensation is paid to the owner of certificate; scope and duration of use of Traditional Knowledge shall be limited by the purposes for which permitted. Any disputes, which can rise as a result of such use, shall be settled by the court.

Article 18. Consideration of disputes related to application of this Law

Disputes related to application of this Law shall be considered in the order prescribed by the legislation of the Kyrgyz Republic.

Article 19. International agreements of the Kyrgyz Republic

If an international agreement signed by the Kyrgyz Republic and entered into force in the order prescribed by the legislation of the Kyrgyz Republic provides for provisions other than provisions provided by this Law an appropriate international agreement shall prevail.

Article 20. Enter into force of this Law

This Law shall enter into force since the date of official publication.
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President of the Kyrgyz Republic K. Bakiev

Approved by the Jogorku Kenesh of the Kyrgyz Republic on June 26, 2007

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