

III. IP Issues in Institutes

The traditional performances of Cook Islands, such as music and dance, have been becoming popular among tourists. Because of this, some experts believe there are potential problems regarding intellectual property (IP) infringement and plagiarism. Therefore, our policymakers, as a way of safeguarding our heritage, must be more forward thinking with the IP aspects of traditional heritage. In line with this, the Cook Islands is working on a draft copyright bill that will go to Parliament¹.

At present, the Ministry of Cultural Development and its related organisations do not have visible cases regarding IP rights infringement on ICH information. There have not been cases involving violations to copyrights in artistic expressions, trademarks in cultural signs, or misappropriation of ICH material by an institute or a third party. Also, polices or practical guidelines for protecting IP rights of ICH in the process of information building and sharing do not exist and, therefore, could not yet be used.

However, as people are becoming aware of the importance of the IP aspects of ICH information and the potential problems, stakeholders have been trying to bring up the more practical concerns on the IP matters of ICH. One way of visualising the practical movement for protecting IP rights of ICH information could be preparing general IP guidelines for staff members and indigenous individuals working on producing, managing, using ICH information.

It is expected that a collaboration project for protecting IP related rights in the field of ICH can be conducted in a near future.

¹ The Cook Islands has no copyright law of its own, but has adopted and applied the New Zealand Copyright Act of 1962.