

‘Reproduction and Communication of Traditional Cultural Expressions in Electronic Form: Recent Legislative Developments in Pacific Island Countries.’

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ABSTRACT

This presentation discusses the development of traditional knowledge legislation and national policy frameworks in the Pacific Islands region. These initiatives aim to redefine intellectual property rights in order to commercialise traditional knowledge and better preserve the region’s rich cultural heritage. Information communication technologies (ICT) can assist with these aims and Pacific Island countries are poised to exploit their use for these purposes.

Maximising the benefit of ICT’s for traditional knowledge protection, however, faces a number of challenges. One of which is the influence of existing legal frameworks on protection efforts. Although traditional knowledge legislation is “*sui generis*”, that is it’s one of a kind, its form and content is invariably shaped by similar international developments and by the western intellectual property framework. What do these influences mean for traditional cultural expressions and for the use of ICT? Whereas the impediment presented by copyright law to the digitisation of cultural heritage is well documented, it is unclear to what extent traditional knowledge legislation may affect the reproduction and communication of traditional cultural expressions. Recent legislative developments will be examined to explore this issue.