

# Mutual Impacts of Emerging IPRs and Human Rights

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## The Universal Declaration of Human Rights

- Article 27 (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

- Clear recognition of individual intellectual property rights.
- Reaffirmed in the International Convention on Economic, Social and Cultural Rights.
- **Article 15**
- 1. The States Parties to the present Covenant recognize the right of
- everyone:
- (a) To take part in cultural life;
- (b) To enjoy the benefits of scientific progress and its applications;
- (c) To benefit from the protection of the moral and material interests
- resulting from any scientific, literary or artistic production of which he
- is the author.

- Emphasis was placed on groups of minorities as deserving special rights to culture, religion, or language in the International Convention on Civil and Political Rights.

- ***Article 27***

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

- Developments in the UN concerning the protection of the rights of indigenous peoples culminating in the adoption of the UN Declaration on the Rights of Indigenous Peoples on 13 September 2007.
- Article 31
- 1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- 2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

- Parallel efforts in World Intellectual Property Organization to give communal rights to holders of traditional knowledge (TK), traditional cultural expressions, and genetic resources.
- The 20 meetings of the WIPO Intergovernmental Committee (IGC) on the 3 thematic issues of TK, TCEs, and GRs were actively participated by indigenous peoples organizations.
- Clear adoption of the prior informed consent principle and the fair and equitable sharing principle in line with the the Convention of Biological Diversity (CBD) and the Nagoya Protocol on “Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation” (the Nagoya Protocol).

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