

Intellectual Property and Intangible Cultural Heritage - Overlaps, Differences and Confrontations



by
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Steven Gallagher was awarded a first class LL.B. He was called to the Bar of England and Wales in 2006. Steven teaches the equity and trusts courses for undergraduate and postgraduate students. Steven also teaches a course on art, antiquities, cultural heritage and the law on the LLM programme. Steven has presented continuing professional development courses for solicitors in Hong Kong on many topics associated with equity. Steven's research interests include equity and the law of trusts, cultural heritage law and legal history.

This 3-hour seminar will provide an introduction to the interplay between intellectual property and intangible cultural heritage. UNESCO's 2003 Convention for the Safeguarding of the Intangible Cultural Heritage identified intangible cultural heritage as, "the practices, representations, expressions, knowledge, skills... that communities, groups and, in some cases, individuals recognize as part of their cultural heritage." China, as a party, and Hong Kong, through China, have embraced the ideals of the Convention, in particular the "safeguarding" obligation of membership, which includes "the identification, documentation, research, preservation, protection, promotion, enhancement, transmission... as well as the revitalization of the various aspects of such heritage." However, included in the identification of the intangible cultural heritage, among much else, may be works of art in any form, the skills of the artist, foods and drinks, and the recipes and manufacturing skills behind these foods and drinks, traditional remedies, cosmetics, and the style, design, pattern and skills used in the making of clothes. Many of these forms of intangible cultural heritage may also be recognised as forms of intellectual property. This seminar considers the problems that have arisen when the identification of intangible culture heritage, and attempts to safeguard it under one of the newest international and domestic legal frameworks, threatens intellectual property rights, under a very well established international and domestic framework.

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Some of the topics considered in this seminar will be:

- What is intellectual property?
- What is intangible cultural heritage?
- The relationship between IP and ICH;
- Why is ICH so popular?
- Why is IP so important?
- Traditional remedies and medical practices;
- Indigenous knowledge and big business;
- World Heritage status for Prosecco, but who cares about Prošek?
- Works of art as cultural heritage and artists' rights;
- Appreciating artists' work while infringing their rights;
- Language, sharks' fins and ivory carving;
- Cultural appreciation and/or cultural appropriation.

Scan to Calendar



Code:	EVT000000347	Level:	Intermediate
Date:	11 October 2021 (Monday)	Language:	English
Time:	14:30 - 17:45 (Reception starts at 14:00)	Accreditation(s):	LSHK 3.0 CPD Points
Venue:	<i>Option of:</i> (1) Online via Zoom; or (2) Kornerstone Institute 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong	Request for Rerun:	Please Contact Us for Details



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