

MUSCAT DECLARATION ON INTELLECTUAL PROPERTY AND TRADITIONAL KNOWLEDGE

The WIPO International Forum on “**Intellectual Property and Traditional Knowledge: Our Identity, Our Future,**” met in Muscat, Oman, on January 21 and 22, 2002, at the invitation of the Government of the Sultanate of Oman and the World Intellectual Property Organization (WIPO), and under the Patronage of His Highness Sayyid Asaad bin Tareq bin Taymur Al Said, to address the issue of promoting, preserving and protecting traditional knowledge through the use of the intellectual property system. Following its deliberations, the WIPO International Forum adopted the following Declaration:

Recognizing that traditional knowledge plays a vital role in building bridges between civilizations and cultures, in creating wealth and in promoting the human dignity and cultural identity of traditional communities;

Recognizing that traditional communities keep building on knowledge and traditions received from previous generations to improve and develop knowledge that facilitates their interaction with the environment in which they dwell;

Recognizing that intellectual property is a flexible legal mechanism and can, therefore, if necessary and as appropriate, be adapted to the specific characteristics and features of traditional knowledge, particularly their holistic, collective, cultural and permanent nature;

Noting that traditional knowledge is the work of proven traditional innovators with great creative capacity and that its protection could significantly contribute to the alleviation of poverty in many areas of the world as well as the better management of the environment;

Acknowledging that traditional knowledge holders are a heterogeneous group with many differences according to their traditions, languages, environment and cultures;

Acknowledging that traditional knowledge holders, in particular in developing and least-developed countries, often do not sufficiently exploit the potential of the intellectual property system for protecting their creations and increasing their creative capacity, as well as for market access;

Acknowledging that the underutilization of the intellectual property system may be largely due to the lack of information on how to acquire and manage intellectual property assets in an effective manner, absence of support institutions with expertise on intellectual property, as well as the false perception that the intellectual property system is complex, time-consuming and expensive, make it, at many instances, difficult for traditional knowledge holders to acquire, maintain, enforce and use their intellectual property rights effectively both domestically and internationally;

Acknowledging that the underutilization of the intellectual property system may also be due to a perception of the inadequacy of some aspects of existing mechanisms of intellectual property vis-à-vis the holistic nature of traditional knowledge and to its incapacity of being separated into several and distinct categories of intangible assets;

In order to empower traditional knowledge holders to fully benefit from the intellectual property system, *Recommends*:

1. Strengthening of interaction between traditional knowledge holders, support institutions and associations, national governments and intellectual property offices, as well as with WIPO and other relevant intergovernmental and non-governmental organizations with a view to better identifying the needs of traditional knowledge holders;
2. Increasing awareness and understanding of intellectual property issues within the traditional knowledge holders' community, particularly through outreach campaigns and targeted training programs, so as to enhance the capacity of traditional knowledge holders to maximize their legal and economic benefits from the use of the existing intellectual property system;
3. Supporting the work of the WIPO Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, as the appropriate forum to engage in discussions and exchanges of views concerning the intellectual property protection of traditional knowledge.