

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

by

Prof. Steven Gallagher,
Professor of Practice in Law,
Associate Dean (Teaching & Learning),
The Faculty of Law,
The Chinese University of Hong Kong



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, legal history and law and technology.

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.

The **PROFECTIONAL** Company®

Professional Services to the Perfection

Telephone: +852 3118 2371 | Facsimile: +852 3118 2372
Email: info@profectional.com | Website: <http://www.profectional.com>
Address: P.O. Box 9993, General Post Office, Hong Kong

KORNERSTONE

Training. Makes a difference.

Telephone: +852 2116 3328 | Facsimile: +852 2116 3571
Email: enquiry@kornestone.com | Website: <http://www.kornestone.com>
Address: 15/F, Hip Shing Hong Centre,
55 Des Voeux Road Central, Central, Hong Kong

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:	EVT000000363	Level:	Intermediate
Date:	31 October 2022 (Monday) (Amended)	Language:	English
Time:	14:30 - 17:45 (Reception starts at 14:00)	Accreditation(s):	LSHK 3.0 CPD Points
Venue:	Online via Zoom	Request for Rerun:	Please Contact Us for Details



The **PROFECTIONAL** Company®

Professional Services to the Perfection

Telephone: +852 3118 2371 | Facsimile: +852 3118 2372
Email: info@profectional.com | Website: <http://www.profectional.com>
Address: P.O. Box 9993, General Post Office, Hong Kong

KORNERSTONE

Training. Makes a difference.

Telephone: +852 2116 3328 | Facsimile: +852 2116 3571
Email: enquiry@kornestone.com | Website: <http://www.kornestone.com>
Address: 15/F, Hip Shing Hong Centre,
55 Des Voeux Road Central, Central, Hong Kong