

Summary

KYRGYZPATENT is the authorized body in Kyrgyzstan intellectual property related matters. The institution distributes information on IP issues among population, and also provides a legal safeguard to ICH objects. CACSARC-kg is a public foundation, specialized in development of tradition cultures and handicrafts in the region generally, and in Kyrgyz Republic in particular.

Kyrgyz Patent Office

KYRGYZPATENT runs several activities in the field of ICH IP:

- Reception of applications for registration of objects of industrial property, based on traditional knowledge, including 30 inventions, 7 industrial prototypes and 3 useful models.
- Certification of ICH objects under IP Law:
Kyrgyz traditional intellectual game “Toguz Korgo-ol” (2009);
Kyrgyz traditional technology on making soap “Shakar” (2011);
Kyrgyz traditional food receipt “Tash-Kordo” (2011).

The report mentions that ICH subjects, such as individual artisans, designers, photographers, film makers – are also more or less involved in the process of IP issues recognition or solving.

Public Foundation CACSARC-kg

1. Institute Profiles and Activities

A. Information Building and Sharing

The main kinds of activities of CACSARC-kg are: Database/Archive building, training, publication and distribution. In addition to this, CACSARC-kg is also providing service to craftspeople, such as organization of craft fairs, promotion of their products to different markets all over the world.

- Identification: bearers of the traditional knowledge in the handicraft sphere all over Kyrgyzstan, as well as types of craft technologies and ornament.
- Documentation: knowledge bearers’ in different Kyrgyz traditional craft technologies, including those under danger of disappearance; tools and raw materials; methods of preparation of the raw materials, craft items’ production stages, forms and meanings of ornaments/ornamental motifs.
- Inventory making: research and inventory of the Kyrgyz craft technologies and ornament in Kyrgyzstan and Central Asia three times from 2005 to 2011.

- Database/Archive building: Archive of the handicraft items' photo and video images found in Museum archives of Kyrgyzstan and Russian Anthropological Museum in Sanct-Petersburg; creation of database of craft technologies and ornament classified by names of creators and territory; photos and video films; articles on NMC.
- Publication and distribution: Four catalogs on crafts items and exhibitions, directory of craftspeople and Map of crafts of Fergana Valley, many leaflets and articles in newsletters. Catalogs and directory were distributed in Central Asian region and beyond.
- Digitisation: Production of video courses on different craft technologies, TV and Radio programs with use of interview with craftspeople, video films and clips about ICH.
- Promoting: Kyrgyz and Central Asian crafts products to the regional and international markets over the world.
- Awareness-Raising: Crafts and traditional culture of Central Asia.
- Training: Transmission of the traditional knowledge and skills from the older generation to young people, from skilled masters to students through organizing of trainings.

Project1. Empowerment of entrepreneurship through development of handicrafts in Fergana Valley

The project was implemented in collaboration with partners from Tajikistan (NGO Fatkh) and Uzbekistan (Center of Crafts Development and Protection of Craftspeople's Rights "Hamsa") in 2005-2006 years. The project aims to help to develop the private entrepreneurship based on traditional handicrafts in Fergana Valley through providing to Kyrgyz, Tajik and Uzbek artisans support in informative, educational and organizational directions.

Project Procedures

- Research
- Database creation
- Publication activities
- Activities promotion in collaboration with Media
- Organizing of trainings on new product development
- Management and marketing of handicraft production
- Exhibition organization

Different Stages

- Identification of crafts' bearers
- Identification of craft technologies

Project Activities

- Interviewing artisans of Fergana
- Collection of rich material such as interview, photos, samples of the craft products
- Regional directory of craftspeople of Fergana Valley, craft map publication.

Project2. Beauty in harmony with nature: Kyrgyz traditional craft technologies and ornaments

The project was implemented by CACSARC-kg in partnership with National Museum of Fine Arts. Project was started in August 2009 and finished in August 2011.

The project goal is to prevent disappearance and give second birth to the traditional skills and knowledge in crafts sphere, demonstrating the harmonious combination of creative activities with wise and far-sighted approaches to the use of natural resources.

Project Values

- Nature and biodiversity as the basis of all life on the earth planet;
- Human creative activities in interaction with the environment;
- Traditional knowledge and skills (crafts technologies and ornament) embodying the experience of the previous generations;
- Custodians of this traditional knowledge and skills;
- Cultural products created with respectful attitude to the use of natural resources and own cultural heritage.

Project Activities

- The project activities include two main components:
- Field researches and data base formation
- Traditional handicraft skills and knowledge transmitting

Project Procedures

- Research
- Purchasing craft samples for the Fine Arts Museum funds
- Work in museum's archives
- Database creation
- Publication of activities
- TV, radio program and video clips creation
- Promotion activities (in collaboration with Media)

- Organizing of exhibition and project presentation
- Preparation of the programs for future trainings on traditional craft technologies

Activities

Preparation Stage

- Identification of knowledge related to universe
- Identification of traditional skills custodians
- Collection of materials such as stories, descriptions, pictures, photos, and video-materials

Production Stage

- Ornamental motifs with a sacral protecting function
- Fixation of orally ICH skills for safeguarding purposes
- Natural raw material gathered by local craftspeople from the environment for use in making handicrafts.

Dissemination Stage

- Activities promotion
- Databases processing (database of Kyrgyz traditional craft technologies)
- Representation of handicraft heritage of all its representatives
- Edition of materials translated into Kyrgyz, Russian, and English.

Project3. Patterns of Eastern Pamir

The Project was organized by NGO “yak House” (Tajikistan) in partnership with CASARC-kg. Project duration: April-May, 2011. Project focuses on traditional crafts production from animal industries, cultivation of yaks in Murgab district; Tajikistan: traditional crafts technologies produced for events related to rituals and customs, embroidered pillows, woven carpets, etc.

Project Goals

- Making research of the patterns, related to Kyrgyz people living in Eastern Pamir
- Transmission of the knowledge to pattern creation
- Safeguarding and reviving of the unique Kyrgyz patterns in Eastern Pamir.

Project Activities

Field Research

- Collection of data: text, photograph, recording, video, sketches, etc.

Production Stage

- Process craftspeople and their products fixed by photo and video cameras
- Production of Yak handicrafts products catalogues

Dissemination Stage

- Cooperation with local people concerning their consent for further use of their knowledge.
- Catalogue publication Data includes information of craft bearers, custodians, creators living in all provinces of Kyrgyzstan.

2. IP Issues in Information Building and Sharing

KYRGYZPATENT reports that the objects of folklore do not attribute to the IP in Kyrgyzstan, and in compliance with the legislation, they are not subjects to patenting and do not get a legal safeguard.

According to article 105 of the Civil Code of Kyrgyz Republic and article 8 of the “Law on Copyright and Allied Rights” of Kyrgyz Republic, the works of traditional art (folklore) are not the objects of copyright.

Kyrgyz Republic law “On the guard of traditional knowledge”, passed in 2007, and article 1 of the law, do not cover objects of folklore and traditional art. The primary purpose of law is prevention of the illegal patenting of inventions on the basis of traditional knowledge.

CACSARC-kg pointed out several IP issues related to activities’ management on:

- The owner of rights for the data
- Management data sharing with the National Arts Museum
- Information of ICH custodians about their rights and responsibilities in terms of transmitting of the traditional knowledge

In parallel, some IP issues have been arisen within CACSARC-kg activities

- Promotion of Kyrgyz craft products by publication of different printed materials
- Protection of craftspeople rights including their copyrights
- Issue related to the trainings based on sharing of the information, and traditional knowledge on craft technologies and ornament.

The report mentioned about a case of refusal of knowledge sharing by an ICH practitioner. Also, the issue concerning the agreement with custodians for the use of ICH objects, and misappropriation of Kyrgyz designs by traders onto the international market.

Another issue has been mentioned and related to the recognition of the owner of ICH. The issue of sharing benefits by the first and second level of users and

producers had also arose, as well as issue of copyright for the similar products, produced by several different designers who used the same traditional technologies or images. Some issues have arisen in the stage of utilizing and disseminating information, as well as in the stage of trading of the product.

IP Guidelines in Institute

According to the report provided, two specific codes have been in operation in the institutes:

- A Memorandum of Understanding signed with the National Museum of Fine Arts and concerning common use of collected materials with the purpose to promote the ICH of Kyrgyz people, and with use of all profits, to continue activities on ICH protection after the project ends.
- Approved written form by ICH subjects for the use of information provided.

In general, the institute lacks experience with IP aspects of ICH, and is not equipped with proper principle or guideline of data management. However, the institute would like to start working on IP issues in sphere of business based on traditional handicrafts.