

Concept and Nature of ICH in Comparison with Traditional Cultural Expressions

Dae Seung Yang
Associate Research Fellow
Korea Institute of Intellectual Property

Since the end of the 1990s, the topic of genetic resources, traditional knowledge and folklore has entered the ambit of intellectual property discussion. There could be many reasons for the emergence of these new discussions. The most important reason behind it was that Western-style industries have increasingly used genetic resources and traditional knowledge, in a broad sense, being felt as belonging to indigenous peoples. In other words, the Western industry needed their resources and traditional knowledge in order to develop products and to exploit them in world markets.¹⁾

The climate of Western-style industries using the resources and knowledge of the indigenous people already appeared by Western researchers and artists or musicians in the 19th century and the extent of those resources and knowledge being in use nowadays are becoming vast.²⁾ In other words, the attempts of the Western industry to acquire traditional knowledge were caused by globalisation of the market which obliged the industry to compete more severely and shorten the production cycle. It will not be too much to say

1_ Silke von Lewinski. *Indigenous Heritage and Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore*. 2nd Edition, Wolters Kluwer, 2008. p.1.

2_ Simpson. *Indigenous Heritage and Self-Determination*. (Copenhagen, 1997), 52; Lucas-Shloetter, Part III, Sec. 4.1.1.

that the competition for preoccupancy and success in this global market is determined by the possibility of finding new materials, such as new melodies, rhythms, designs, techniques, genetic materials, medical remedies and so on. For instance, ethnic products are popular in terms of design, which are fashionable and attractive. Besides, it can be said that the importance of indigenous knowledge is reflected in the New-Age movement which includes the search by Western civilisations for lost values and renewed spirituality in indigenous cultures.³⁾

However, hidden behind the growth of the Western industry are some aspects we have overlooked. In many cases, the Western industry did neither seek the consent of indigenous communities before commercial exploitation of their resources and knowledge nor share the benefits of such exploitation with the indigenous peoples.

This behaviour of Western industries is mostly in compliance with the existing intellectual property law according to which most indigenous knowledge is in the public domain.⁴⁾ However, the indigenous peoples have claimed that such behaviour is unfair and lacks due respect. In addition, indigenous peoples have argued that such behaviour would usually infringe upon their customary laws, if such laws were applicable to outsiders.⁵⁾

The divergence of these views results from their different interpretation of the importance of indigenous heritage and their concept of public domain. However, it is possible to argue that intangible cultural heritage as living heritage may be more important than western civilisation in terms of its value of life, identity and self-determination of human race towards the development of human culture.⁶⁾

This paper will examine each concept of traditional knowledge, traditional cultural expression and folklore which constitute the heritage of humanity in the hope that it might be able to shed some light on understanding the concept of intangible cultural heritage which is difficult to define.

3_ Sandler. *Music of the Village in the Global Market Place: Self-Expression, Inspiration, Appropriation or Exploitation?* Dissertation, University of Michigan, 2001, p.81 et seq.

4_ Silke von Lewinski, Ibid. p. 2.

5_ Silke von Lewinski, Ibid.

6_ Silke von Lewinski, Ibid.

I. Consideration of the Concept and Scope of ICH

Nowadays a lot of intangible heritage is disappearing due to globalisation, rapid urbanisation, cultural integration policy as well as the younger generation's lack of interest. Therefore, UNESCO has been paying attention to the conservation of intangible cultural heritage for quite a long time. The importance of intangible cultural heritage has been a main subject of interest in the international society since 1990. Especially, UNESCO's 29th General Conference held in 1997, which agreed on the 'Proclamation of Masterpiece of the Oral and Intangible Heritage of Humanity'⁷⁾ in order to preserve intangible heritage from extinction as a result of the process of industrialisation and globalisation. Consequently, the decision raised international awareness of the importance of intangible heritage and led to the first international agreement in order for the conservation of intangible heritage, the 'Convention for the Safeguarding of the Intangible Cultural Heritage' at UNESCO's 32nd General Conference in 2003.⁸⁾ The Convention was an even more powerful regulation than any existing recommendations or the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity, which was an internal project of UNESCO's cultural area. Hence, the Convention stipulates that no further Proclamation will be made after the entry into force of the Convention and the items proclaimed 'Masterpieces of the Oral and Intangible Heritage of Humanity' before the entry into force of this Convention shall be incorporated onto the Representative List of the Intangible Cultural Heritage of Humanity by

7_ UNESCO Masterpieces of the Oral and Intangible Heritage of Humanity was adopted in the 29th UNESCO Conference in 1997, and registered 90 items of 70 countries as Oral and Intangible Heritage of Humanity in 2001, 2003 and 2005. In Korea, three elements of Heritage were registered as UNESCO Masterpieces of the Oral and Intangible Heritage of Humanity: Jongmyojerye, Jongmyojerye-ak (2001), Pansori (2003), Gangneung's Danoje Festival (2005) <http://www.unesco.or.kr/heritage/ich/index.asp> UNESCO and Heritage (Accessed on 28 September, 2010).

8_ 'Convention for the Safeguarding of Intangible Cultural Heritage' prepares a system for registering the intangible heritage of each country within the schemes of the Representative List of the Intangible Cultural Heritage of Humanity (Article 16) and List of Intangible Cultural Heritage in Need of Urgent Safeguarding (Article 17). The Convention in an international agreement which is concluded in the 32th UNESCO General Conference in Paris between 29 September and 17 October 2003. Once the Convention was adopted, many countries in Africa, South America and Asia whose intangible heritage were in danger fully supported the Convention. As a result, on 20 April 2006, after 2 years from the adoption, the Convention was formally effective as 30 countries joined in. The Republic of Korea joined on 9 February 2005 as the 11th Member State. <http://www.unesco.or.kr/heritage/ich/convention.asp> (Accessed on 27 September 2010).

the Committee in Article 31.⁹⁾

The concept of 'Intangible Cultural Heritage' emerged in response to the 'World Heritage' whose major domain is tangible cultural heritage. The fact that UNESCO adopted the Convention for the safeguarding of intangible cultural heritage in 2003 can be a milestone in protective activities of cultural heritage, which were used to focus only on tangible heritage such as architecture, and confirms that the value of intangible cultural heritage, as living heritage, was newly recognised and its importance was extended.¹⁰⁾

Then, what is 'intangible cultural heritage'? As mentioned, it is very difficult to define intangible cultural heritage in a single word, and there are many definitions of 'intangible cultural heritage' because three words in the term, intangible, culture and heritage, are all abstract terms. There is no definition of 'intangible cultural heritage' as a single concept in the Korean Dictionary of the National Institute of Korean Language, but it defines intangibility, culture and heritage separately. According to the Korean Dictionary of the National Institute of Korean Language, 'intangibility' is referring to a state without a shape or form and can also be considered 'incorporeal'. It defines culture as an inclusive term which refers to styles of human attitude and life which were acquired, shared and transmitted among community members in order to achieve a specific goal or ideals, and materialistic and spiritual profits which were achieved in the process of life. Culture also includes everyday life, languages, customs, religions, study, art and systems. The dictionary defines 'heritage' as objects or cultures which were transmitted through generations. According to the Korean Dictionary of the National Institute of Korean Language, 'cultural heritage' is the cultural fruit of ethnic communities or human society such as science, technology, customs and norms which are worthwhile to succeed or pass on to the following generations for cultural development and includes any spiritual or material cultural properties or cultural patterns.¹¹⁾ However, this definition is merely a conceptual attempt, and hardly reflects the social consensus regarding intangible cultural heritage.

In this regard, it would be necessary to examine an article of definition in the UNESCO Convention for the safeguarding of intangible cultural heritage. In Article 2, paragraph 1, the Convention defines intangible cultural heritage

9_ <http://www.unesco.or.kr/heritage/ich/convention.asp> (Accessed on 27 September, 2010)

10_ <http://www.unesco.or.kr/heritage/ich/index.asp> UNESCO and Heritage (Accessed on 28 September, 2010)

11_ Homepage of the National Institute of Korean Language http://stdweb2.korean.go.kr/search/List_dic.jsp (Accessed on 28 September, 2010).

as “the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith that communities, groups and, in some cases, individuals recognise as part of their cultural heritage.”¹²⁾ However, it is arguable that the Convention recognises and extends the concept of intangible cultural heritage from the dimension of intangible objects to the dimension which embraces tangible objects which is related to intangible cultural heritage as stated in Article 2 of the Convention, it includes not only practices, representations, expressions, knowledge, and skills, but also tangible objects such as instruments, objects, artefacts which are products of activities of intangible cultural heritage.

In Article 2 paragraph 2 regarding the scope of intangible cultural heritage, the UNESCO Convention enumerates the examples of intangible cultural heritage as ‘(a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage; (b) performing arts; (c) social practices, rituals and festive events; (d) knowledge and practices concerning nature and the universe; and (e) traditional craftsmanship.’¹³⁾ However, it is important to note that the Article 2 is an enumerative clause not a restrictive clause for qualification. Given the Latin expression ‘inter alia’ (or ‘notamment’ in French), it is clear that Article 2 exemplifies features of intangible cultural heritage.

However, while Article 2 paragraph 1 of the Convention interprets the definition of intangible cultural heritage, Article 2 paragraph 2 seems to restrict the scope to cultural heritage which is exclusively intangible. For example, ‘traditional craftsmanship’ exclusively refers to the traditional skill or technique which is intangible and the craft object which is the product of craftsmanship is not clearly discussed. Nonetheless, as mentioned above, it is unnecessary to minimise the scope of intangible cultural heritage as Article 2 paragraph 2 of the Convention is enumerative. In other words, it should be noted that the given examples of intangible cultural heritage in Article 2 are only typical forms of intangible cultural heritage, not the exclusive definition of intangible cultural heritage.

In this regard, it would be appropriate to understand the characteristic¹⁴⁾ of intangible cultural heritage, in a broad sense which includes tangible

12_ UNESCO Convention 2003, Article 2, Paragraph 1.

13_ UNESCO Convention 2003, Article 2, Paragraph 2.

14_ UNESCO Convention 2003, Article 2, Item 1 (the latter part).

objects as a product of spiritual and technical activities, as 1) transmitted from generation to generation; 2) continuously recreated by communities and groups in response to their environment, their interaction with nature and their history; 3) provides them with a sense of identity and continuity; 4) promotes respect for cultural diversity and human creativity; 5) coincides with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.

II. Similar Concepts to Intangible Cultural Heritage

There are many concepts which are similar to, and comparable with intangible cultural heritage such as traditional knowledge, folklore, traditional cultural expressions, and cultural property.¹⁵⁾

1. Traditional Knowledge (TK)

Traditional knowledge (TK) means knowledge should be traditional. However, originally, knowledge is not traditional. Knowledge typically refers to 'information held in human memories that is accessible by recall and the practice of learned skills, in a useful way in day-to-day life.'¹⁶⁾ The meaning of 'traditional' implies that such knowledge is handed down from one generation to another, and that it has been accumulated by societies over the course of long experience in a particular space, landscape or ecosystem.¹⁷⁾ In most cases, TK is usually collective in nature and considered the property of the entire community. Therefore, TK does not belong to any single individual within the community, rather it is transmitted through specific cultural and traditional

15_ Guan Yuying, Legal Protection for Genetic resources and Traditional Knowledge(Legal Protection of TCEs), Sino-Korean Joint Research Report 2004, p. 49. The debate on TK, traditional culture and folklore started from the suggestion of the Indian delegates in Intellectual Property Conference of Stockholm in 1967.

16_ Knowledge, Innovations and Practices of Indigenous and Local Communities: Implementation of Article 8(j) Doc., UNEP/CBD/COP/3/19 8-9.

17_ Jonathan Curci, Ibid.

information exchange mechanisms.¹⁸⁾

The term 'traditional' used in describing this knowledge does not imply that this knowledge is old, but 'tradition-based'. It is 'traditional' because it is created in a manner that reflects the traditions of the communities, therefore not relating to the nature of the knowledge itself, but to the way in which that knowledge is created, preserved and disseminated.¹⁹⁾ In this regard, TK is not merely useful information, but a normative and social component of tradition. TK is derived from integrated experiences and is distinctive from cosmopolitan knowledge which is combined with the Western scientific discovery, economic preference or philosophy, and widespread culture.²⁰⁾

The concept of TK can be divided into two categories, in broad and narrow senses. TK in a narrow sense is traditional, ecological and medical knowledge and related to technical know-how.²¹⁾ TK in a broad sense is, as mentioned before, the entire product and a derivative of intellectual activities tradition-based in the field of industry, literature, art and science.²²⁾ However, there is no socially or internationally concrete definition of intangible cultural heritage, and WIPO has been discussing the definition to date.

In the 16th meeting of WIPO in Geneva, Switzerland from 3 to 7 May 2010, the definition and the scope of TK was mentioned in Chapter 3 'Substantive Principles', Article 3 'General Scope of the Subject', and in 'Revised Provisions for the Protection of Traditional Knowledge, WIPO/GRTKF/IC/16/5.' According to Article 3 paragraph 2 of the Revised Provisions, 'traditional knowledge' refers to the content or substance of knowledge resulting from intellectual activity in a traditional context, and includes the know-how, skills, innovations, practices and learning that form parts of traditional knowledge systems, and knowledge embodying traditional lifestyles of indigenous and local communities, or contained in codified knowledge systems passed between generations. It is not limited to any specific technical field, and may include agricultural, environmental and medicinal knowledge, and

18_ Jonathan Curci, Ibid.

19_ Draft Decision on Traditional Knowledge, annexed to WTO, Taking Forward the Review of Article 27.3(b) of the TRIPs Agreement, Joint Communication from the African Group, WTO Doc. IP/C/W/404 (26 June 2003), e.g. Art 2(b)(iii).

20_ A. Hansen and J. Vanfleet. *Traditional Knowledge and Intellectual Property*. http://shr.aas.org/tek/handbook/handbook_1.pdf13.

21_ WIPO Document (5.2.2003), Consolidated analysis of the legal protection of traditional cultural expressions/expressions of folklore, p. 6.

22_ Song, Young-Sik et al., *Intellectual Property Law*. Sechang Publishing, 2009, p.391.

any traditional knowledge associated with genetic resources”²³⁾ TK acquires innovation in the process of its use, for example, adding new elements to existing TK or making a process more efficient. Innovation, is an action which maximises the value of tradition without changing the essence or nature of tradition.²⁴⁾

2. Traditional Cultural Expressions (TCEs) / Expressions of Folklore (EoF)

Two terms, ‘Traditional Cultural Expressions’ and ‘Expressions of Folklore’ are interchangeably used as a similar concept. However, some countries tend to prefer²⁵⁾ TCEs/EoF due to the negative connotation of the term ‘folklore’ as folklore seems to be regarded an inferior level of culture.²⁶⁾ In contrast, some countries prefer to use the term EoF.²⁷⁾

The term ‘folklore’ is derived from the combination of a word ‘folk’ which refers to general public or a tribe and a word ‘lore’ which means tradition or traditional knowledge.²⁸⁾ The term ‘folklore’ seems to have been used for the first time in 1846 by English archaeologist, W.G. Thomas, editor of the journal ‘Notes and Queries’, to refer to the ideas of the traditions, customs and superstitions of the members of a certain community of people.²⁹⁾ It was then adopted in almost all languages as a term to define and cover all the contents understood under the expressions ‘knowledge of people’ and ‘culture of the people.’³⁰⁾

23_ http://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_5.pdf (Accessed on 1 Oct. 2010).

24_ “Traditional Knowledge and Biological Diversity”, U.N. Doc. UNEP/CBD/TKBD/1/2(18 Oct. 1997), para. 86. Kim, Beong-Il et al., *Protection for Traditional Knowledge related Genetic Resources and Intellectual Property Rights, Industrial Property Right*. 2006, p.5.

25_ WIPO document (booklet No. 1), Intellectual property and traditional cultural expressions/folklore, p.2.

26_ Weinwe. “Protection of Folklore: A Political and Legal Challenge”, IIC 1987, 58. Contra Menon, “A definition of folklore”, [1979] INTERGU-Jahrbuch, Vol. 4. 209: “I do not think it refers to anything of the lower strata of societies as such”. Silke von Lewinski. Ibid. p.345.

27_ In the 5th session of WIPO IGC, many countries preferred to use the term EoF. See the Report of the Fifth Session of the IGC, July 2003, Doc. WIPO/GRTKF/IC5/15, No 34, p.13; Silke von Lewinski, Ibid.: Most of African countries apart from Algeria and Arab countries such as Malawi, Egypt, Nigeria, Saudi Arabia, and the delegates of ARIPO maintain to use folklore or EoF rather than TCEs.

28_ www.unesco.org/culture/ich/doc/src/00272-FR.doc (Accessed on 29 Sep. 2010)

29_ Moreira da Silva, ‘Folklore and Copyright’, [1967] EBU Review, Vol. 101, 54; Silke von Lewinski, Ibid.

30_ Niedzielska, ‘The Intellectual Property Aspects of Folklore Protection’, [1980] copyright, 339; Silke von Lewinski, Ibid.

However, despite the conceptual definition and many international debates in the Intergovernmental Committee of WIPO, initial agendas on TCEs or EoF such as the definition, subject matter of protection and the scope have not yet been agreed upon, particularly because the concept of folklore is approached differently in developed countries and developing countries and indigenous groups. The former tends to adopt narrow definitions, viewing folklore as tradition, while the latter tends to prefer broader definitions, viewing folklore as a continuing and constant cultural manifestation.³¹⁾ The Western interpretation refers to the artistic expressions of culture of a population that have been transmitted from generation to generation and that ought to be preserved, and contains something of the 'collected and dead'.³²⁾ In contrast, folklore is considered as a living heritage that is an integral part of their lives in developing countries and indigenous groups.

The UNESCO-WIPO Model Provisions for National Laws on the Protection of Expressions of folklore against illicit exploitation and other prejudicial Actions³³⁾ also defines the definition of EoF as "productions consisting of characteristic elements of the traditional artistic heritage developed and maintained by a community of a country or by individuals reflecting the traditional artistic expectations of such a community."³⁴⁾

After the adoption of the Model Provision in 1982, the IGC of WIPO has convened meetings in order to collect opinions of the States Parties on 10 issues for the correction and the supplementation of the Model Provision, and for the preservation of TCEs. The next session of the meeting is due to commence from 6 to 10 December 2010 in Geneva, Switzerland. Recently, in 7 June 2010, the WIPO IGC (WIPO/GRTKF/IC/17/4 PROV) agreed on the draft of 'The Protection of Traditional Cultural Expressions/Expressions of Folklore: Revised Objectives and Principles'. This document defines the definition of and the criteria for protection for TCEs or EoF in Article 1

31_ Palethore & Verhulst. "Report on the international protection of expressions of folklore under intellectual property law." Study commissioned by the European commission, October 2000, no. 1.1, p.6.

32_ Weiner. *Protection of folklore: A Political and Legal Challenge*, IIC 1987, 58.

33_ UNESCO-WIPO Model Provisions for National Laws on the Protection of Expressions of folklore against illicit exploitation and other prejudicial Actions. Henceforth, with the initiative of WIPO, Draft Treaty for the Protection of Expressions of folklore against illicit exploitation and other prejudicial Actions was prepared in 1984. However, articles in the Model Provision and Revised Draft has not particularly been applied to individual countries.

34_ The Model Provision, Article 2.

(Subject Matter of Protection) as follows³⁵):

“Traditional Cultural Expressions” and/or “Expressions of Folklore” [are] any forms, whether tangible or intangible or a combination thereof, in which traditional culture and knowledge are expressed, appear or are manifested, and are passed on from generation to generation, including, but not limited to the following forms of expressions or combinations thereof:

- a) phonetic or verbal expressions, such as: stories, epics, legends, poetry, riddles and other narratives; words, signs, names, and symbols, etc.;
- b) musical or sound expressions, such as songs, rhythms, [and] instrumental music and popular tales;
- c) expressions by action, such as dances, plays, ceremonies, rituals, sports and traditional games and other performances, theatre, including, among others, puppet performance and folk drama, whether or not reduced to a material form;
- d) and tangible expressions, such as productions of art, in particular, drawings, designs, paintings (including body-painting), wooden carvings, sculptures, mouldings, pottery, terracotta, mosaic, woodwork, metalware, jewellery, baskets, food and drink, needlework, textiles, glassware, carpets, costumes, works of mas, toys, gifts and; handicrafts; musical instruments; stonework, metalwork, spinning, and architectural and/or funeral forms.

According to the definition above, TCEs or EoF can be both tangible and intangible and have both tangible and intangible components (‘mixed expressions’). Besides, the draft Revised Provisions enumerates four types of TCEs or EoF: phonetic or verbal expressions, musical or sound expressions, expressions by action and tangible expressions, such as productions of art. Article 1 also makes it clear that oral (non-fixed) expressions would also be protectable, responding to the often oral nature of traditional cultural expression. Fixation would therefore not be a requirement for protection. The protection for ‘architectural forms’ could contribute towards the protection of sacred sites (such as sanctuaries, tombs and memorials) to the extent they are

35_ Words in underline are revised draft which reflects the opinions of delegates from each country such as the Mexican delegates and still under discussion.

the object of misappropriation and misuse as covered by these provisions.³⁶⁾

3. Intangible Cultural Property

‘Intangible Cultural Property’ is a very close concept to intangible cultural heritage. In particular, the Cultural Properties Protection law in the Republic of Korea uses the term ‘Intangible Cultural Property’ instead of intangible cultural heritage in Article 2 as “intangible cultural products of outstanding historic, artistic, or academic value, such as drama, music, dance and craft skills.” One of the distinct differences related to the definition of ‘intangible cultural heritage’ between regulation of UNESCO and/or WIPO and the Cultural Properties Protection law is to include a concept of ‘outstanding historic, artistic, or academic value’. It is noteworthy to mention that the Cultural Properties Protection law requires ‘intangible cultural property’ to have an ‘outstanding historic, artistic, or academic value’. In contrast, the definition of ‘intangible cultural heritage’ being discussed among UNESCO or WIPO does not require such value.

.....
36_ WIPO document, http://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_17/wipo_grtkf_ic_17_4_prov.pdf
(Accessed on 1 Oct. 2010)

III. Comparison of the Definition behind Intangible Cultural Heritage, TK and TCEs/EoF

Classification	Intangible Cultural Heritage	Traditional Knowledge	TCEs/EoF
General definition	Practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognise as part of their cultural heritage (UNESCO Convention 2003, Article 2 paragraph 2)	Content or substance of knowledge resulting from intellectual activity in a traditional context, and includes the know-how, skills, innovations, practices and learning that form part of traditional knowledge systems, and knowledge embodying traditional lifestyles of indigenous and local communities, or contained in codified knowledge systems passed between generations (Sixteenth Session, Revised Provisions for the Protection of Traditional Knowledge of Intergovernmental Committee, Article 3 paragraph 2)	“Traditional Cultural Expressions” and/or “Expressions of Folklore” [are] and any forms, [whether] tangible [and/or] intangible or a combination thereof, in which traditional culture and knowledge are expressed, appear or are manifested, and are passed on from generation to generation, including, but not limited to the following forms of expressions or combinations” (REVISED OBJECTIVES AND PRINCIPLES, the 17 th session of WIPO IGC)
Characteristics	Intangible+tangible (like crafts) tangible objects like tools, items and crafts as well as intangible are included in the concept of intangible cultural heritage ※ Cultural space is included in the definition	TK in a broad and narrow senses TK in a broad sense: whole outcomes in the field of industry, literature, art and science which derived from the products of intellectual activities	Intangible+tangible (in art or architecture, etc.) Fixation would not be a requirement for protection The protection for “architectural forms” could contribute towards the protection of sacred sites (such as sanctuaries, tombs and memorials)

Classification	Intangible Cultural Heritage	Traditional Knowledge	TCEs/EoF
Scope	<p>① Oral tradition or expression including a language as a means of communication,</p> <p>② Performing art,</p> <p>③ Social customs, consciousness and festivals,</p> <p>④ Knowledge and customs of nature and space,</p> <p>⑤ Traditional craftsmanship</p> <p>※ examples of intangible cultural heritage</p>	<p>not limited to any specific technical field,</p> <p>① Agricultural TK</p> <p>② Environmental TK</p> <p>③ Medicinal TK</p> <p>④ Any traditional knowledge associated with genetic resources</p>	<p>① Phonetic or verbal expressions such as: stories, epics, legends, poetry, riddles and other narratives; words, signs, names, and symbols, etc.;</p> <p>② Musical or sound expressions such as: songs, rhythms, [and] instrumental music and popular tales;</p> <p>③ Expressions by action such as: dances, plays, ceremonies, rituals, sports and traditional games and other performances, theatre, including, among others, puppet performance and folk drama, 39 whether or not reduced to a material form; and,</p> <p>④ Tangible expressions such as: productions of art, in particular, drawings, designs, paintings (including body-painting), wooden⁴⁰ carvings, sculptures, mouldings, 41 pottery, terracotta, mosaic, woodwork, metalware, jewellery, baskets, food and drink, 42 needlework, textiles, glassware, carpets, costumes, works of mas, 43 toys.</p>