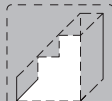


unilu



universität luzern



Traditional Cultural Expressions in a Digital Environment

Symposium
8-9 June 2007
Lucerne, Switzerland

Traditional Cultural Expressions in a Digital Environment

Traditional cultural expressions (TCE; also referred to as «expressions of folklore») form an essential part of cultural heritage and identity, and their protection and promotion are linked to the sustainability and furthering of cultural diversity.

Despite the wide acknowledgement of the value of TCE and the need to safeguard its creative continuity, modern law has not been able to address appropriately all the pertinent intellectual property, cultural, economic and human rights issues. Indeed, the attempts to create TCE protection rules on the global level reveal substantial fragmentation. After the early success of a joint effort of the World Intellectual Property Organization (WIPO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) to elaborate a sui generis model for IP-type protection of TCE (UNESCO-WIPO Model Provisions, 1982), the international community has shown no coherence in its approaches to TCE. The multiplicity of regional, national and civil society endeavours to protect different aspects of TCE complicates the picture and deepens the fragmentation.

The emergence of a new digital environment, characterised by a plethora of channels for distribution of content put the protection of TCE in a new dimension. The ability of the digital mode to express any type of information in a line of zeroes and ones and to transport this information through multiple channels creates new challenges (but perhaps also opportunities) for the TCE protection.

There is an urgent need for a comprehensive understanding of the nature of TCE and its protection that could be then properly translated into the newly created complex digital environment.

The symposium, organised by i-call (International Communications and Art Law Lucerne) in the framework of the eDiversity project, seeks to meet this need. It will pinpoint through transdisciplinary stocktaking and analyses the core themes in the field of TCE, their interaction and intertwined development. It will explore the possibilities for effective and efficient protection (and promotion) of TCE in a digitised interconnected world through the existing copyright mechanisms, and going beyond them.

Institutional Links

i-call (International Communications and Art Law Lucerne)
World Trade Institute
University of Lucerne
NCCR Trade Regulation
Swiss National Science Foundation

www.i-call.ch
www.wti.org
www.unilu.ch
www.nccr-trade.org
www.snf.ch

Programme

Day One / 8 June 07

- 9.00-9.15 **Opening of the Symposium**
Andreas Furrer, Vice-Rector of the University of Lucerne
- Block I** **Setting the Scene: Interdisciplinary Stocktaking**
moderator: Christoph Beat Graber, University of Lucerne
- 9.15-9.45 **History of Copyright and TCE Discourse**
presenter: Monika Dommann, University of Zurich
- 9.45-10.30 **Anthropological / Philosophical Perspectives on TCE**
keynote speaker: Elizabeth Burns Coleman, University of Wollongong
formal discussant: Uma Suthersanen, University of London
- 10.30-11.00 **Coffee Break**
- 11.00-12.00 **Bridging the Gap: From Interdisciplinary to Legal Discussion**
keynote speaker: Gunther Teubner, University of Frankfurt
formal discussant: Alex Ziegert, University of Sydney
- 12.00-12.30 **General Discussion**
- 12.30-13.30 **Lunch**
- Block II** **The Protection of TCE: Copyright and Beyond**
moderator: Alexander Morawa, University of Lucerne
- 13.30-14.00 **Legal Protection of TCE: A Policy Perspective**
presenter: Martin Girsberger, Swiss Federal Institute of Intellectual Property
- 14.00-15.00 **Legal Protection of TCE: Copyright**
keynote speaker: Johanna Gibson, University of London
formal discussant: Wend Wendland, WIPO
- 15.00-15.30 **Coffee Break**
- 15.30-16.30 **Legal Protection of TCE: A Human Rights Perspective**
keynote speaker: Christoph Beat Graber, University of Lucerne
formal discussant: Martina Caroni, University of Lucerne
- 16.30-17.00 **General Discussion**
- 19.00 **Art Break: Josephine Troller's Exhibition**
Museum of Art Lucerne (KKL)
- 19.30 **Apéro Riche**
Terrace Culture and Congress Centre Lucerne (KKL)

Day Two / 9 June 07

Block III TCE in the Information Society
moderator: Sacha Wunsch-Vincent, OECD

9.30-10.30 **Development and TCE**
keynote speaker: Miriam Sahlfeld, University of Lucerne
formal discussant: Christoph Antons, University of Wollongon

10.30-11.00 **Coffee Break**

11.00-12.00 **New Technologies and TCE**
keynote speaker: Mira Burri Neno, World Trade Institute
formal discussant: Herbert Burkert, University of St. Gallen

12.00-12.30 **General Discussion**

12.30-12.45 **Wrap-up of the Symposium**
rapporteur: Fiona Macmillan, Birkbeck School of Law

What is eDiversity?

Digitisation has rendered all information expressible in lines of zeroes and ones and has made communication at the speed of light trivial. New digital technologies, the proliferation of networks and the ubiquitous online environment significantly change the conventional business and market models, including novel forms of copyright protection and repositioning of market players. There is an emerging and ever-strengthening concentration of market power horizontally, as well as vertically – along the entire value chain. The music and film industries and essentially all content industries are thus faced with serious implications. At the centre of the project «eDiversity: The Legal Protection of Cultural Diversity in a Digital Networked Environment» are precisely these implications of digital technologies upon content industries, the resulting shift in the distribution of cultural content from traditional channels towards digital environments and the impact of this shift upon the legal protection of cultural diversity. The plethora of questions arising in this context needs to be analysed against the background of the law of the WTO, the decisions taken in the framework of UNESCO, the WSIS, WIPO and the ITU.

The eDiversity project addresses these questions and ultimately seeks to develop regulatory models for coherent media regulation on the global level. It pursues the stated objectives through examination of the concept of cultural diversity in new electronic environments (or eDiversity) and its inherent human rights and governance aspects. eDiversity has identified five key research flows that will be constantly developed and iteratively re-defined, namely:

- Free trade and cultural diversity
- Copyright and cultural diversity
- Media regulation and cultural diversity
- Competition law and cultural diversity
- Development and cultural diversity.

The eDiversity research is not a single undertaking but an integral part of the Swiss National Centre of Competence in Research (NCCR) «International Trade Regulation – From Fragmentation to Coherence». The latter umbrella project is a major venture in the area of international trade law funded by the Swiss National Science Foundation and comprising twelve individual research projects. They seek to overcome the prevailing fragmentation in the field of trade regulation by analysing and inter-connecting it with other areas of law and policy, such as environmental protection, competition, intellectual property, human rights and culture.

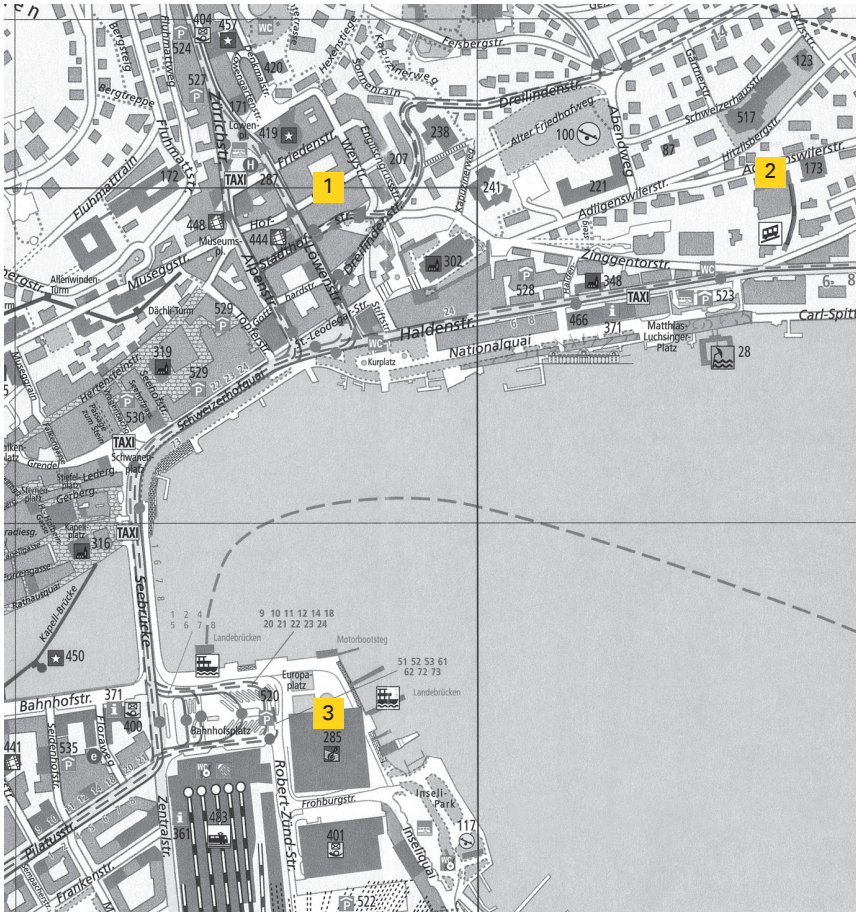
The TCE Symposium is kindly supported by:



SWISS NATIONAL SCIENCE FOUNDATION

Ecoscientia
Foundation

Lucernaiuris
Institut für Juristische Grundlagen



© Endoxon

1 Contact
 i-call
 University of Lucerne
 Hofstrasse 9
 PO Box 7464
 6000 Lucerne 7
 Tel.: +41 (0)41 228 77 11
 Fax: +41 (0)41 228 79 40
 mira.nenova@wti.org

2 Symposium venue
 Art Deco Hotel Montana
 Adligenswilerstrasse 22
 6002 Lucerne

3 Apéro riche / Art break
 Culture and Congress Centre Lucerne (KKL)
 Europaplatz 1
 6005 Lucerne