

FestPac intellectual property protection



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As plans continue to be firmed up for Guam's hosting of the Festival of Pacific Arts, we should all be cognizant of the

protection of traditional knowledge and traditional cultural expressions. Ensuring the protection of intellectual property rights for our delegates, in their creative works of art and presentations, is important to all artists of all genres who will participate.

In this world of smartphones, high-definition cameras and GoPros, it is easy to extract creative works of art and exploit them for commercial benefit, with no consideration for the artist. This is a growing concern for our own local cultural producers, who have seen so many of their creations mass produced off-island and sold on island without their permission — totally cutting them out of the product value chain.

So what is intellectual property anyway? As defined by the World Intellectual Property Organization, or WIPO, "intellectual property refers to the creations of the mind: inventions; literary and artistic works; and symbols, names and images used in commerce."

Intellectual property rights are like any other property right. They allow creators, or owners to benefit from their work or investment in a creation.

WIPO has done extensive work in this area that includes protection of genetic resources, traditional knowledge and folklore. In a publication, "Intellectual Property and Folk, Arts and Cultural Festivals," festival artists, dancers, singers, artisans and creators are the heart, and soul of



these of events. Their presentations represent the uniqueness of their culture as well as attract public interest and attendance. Festivals offer cultural significance and opportunity to revitalize, perpetuate and preserve cultural practices. They also provide economic and social benefits on many levels for the communities involved.

Protecting rights

Copyrighting the Guam FestPac logo is the most basic intellectual property rights protection. The Guam festival logo has been registered and permission for its use must be requested in writing. This helps prevent the sale of fake merchandise and maintains the integrity of the FestPac logo — a serious consideration. The FestPac Marketing Committee, led by the Guam Visitors Bureau, is charged with ensuring festival related merchandise meet all brand guidelines. Cultural artisans must request permission to use the logo from the Guam Council on the Arts and Humanities, and there are various criteria that must be met for different uses.

Media and broadcast rights are another issue of consideration. In co-

ordination with the Council of Pacific Arts and Culture, professional and commercial recording of performances will be controlled, to include rebroadcasting or duplication rights.

So who owns the rights to a photograph taken at FestPac? There are different levels of photography that Guam must be prepared to address. This has been a subject of discussion at many of our programming subcommittee meetings, including photographic archival of the many events and activities during the 14 days. Agreements between the photographers and event organizers will be in place in order to protect the integrity of the festival and its participants.

One consideration is the audience appearing in these photos. Most people who attend festivals generally consent to having their photo taken by the media. However, it is good practice for the photographers to ask verbal permission. We must also make every effort to protect our visitors from having their images, artwork and performances at the festival used for commercial benefit without their permission.

There is still much to be decided upon related to intellectual property rights and certainly there will have to be some rules and regulations that may have to be drafted for different events and venues. What is finally decided upon will set the stage for the future of intellectual property right protections on Guam for our all artists and cultural producers throughout the festival and well after. This is unfortunate, in light of our cultural traditions of respect, but it is the right thing to do.

Biba FestPac! Biba Guam!

Monica Okada Guzman is chair of the Guam Council on the Arts and Humanities.

