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INTELLECTUAL PROPERTY, TRADITIONAL KNOWLEDGE AND
GENETIC RESOURCES
PROTECTION OF INTELLECTUAL PROPERTY, TRADITIONAL KNOWLEDGE,
FOLKLORE AND GENETIC RESOURCES IN OMAN

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INTRODUCTION

1. The most noticeable feature of the blessed Omani renaissance, under the wise leadership of His Majesty Sultan Qaboos bin Said, is the constant and continuous concern for the heritage and the permanence of Omani customs, not just in terms of being an objective, or aim, with a view to the Omani identity being maintained, but also as a tool, and a base on which the modern State is being constructed, a springboard from which the country can advance in all aspects of modern life. The formation the Ministry of National Heritage and Culture, and designation of 1994 as the National Year of the Heritage, is strong evidence of the importance of this priceless treasure of a historically civilized country, apart from which the Basic Law of the country stipulates that the State “should preserve and maintain the national heritage, encourage science, arts, literature and scientific research and assist in publicizing it.”

2. His Majesty the Sultan clearly stressed that “Omani society is today living through the changes of modern times, but is not neglecting its identity and heritage; the Omani people have rather, with God's grace, managed to combine the good elements of tradition and the good elements of modern times. The modern structure in Oman joins tradition to modernization with a strong and harmonious bond.

3. Within this clear and strong vision, the Ministry of National Heritage and Culture plays a vital role in the intellectual, cultural and architectural revival of Omani traditions and heritage, with special concern for preparing national manpower to be able and qualified to carry on with this development.

LEGISLATION

4. Oman's legislation for the protection of its cultural heritage is contained in the National Heritage Protection Law promulgated in 1976. Essentially, the principal objectives of this Law are, first, the preservation of the integrity of cultural property located in the country through prevention of its natural deterioration, and by the prohibition of any act that may result to its degradation or alteration. Secondly, it aims to prohibit or restrict the export of property that may have historical significance.

5. The National Heritage Protection Law enacted by Royal Decree No. 6/80 goes a long way towards the preservation of the national heritage as it covers all kinds of monument and antiquities, as well as “cultural property chattels.” The term “cultural property chattels” includes archeological fossils, rare archetypes of fauna and flora, fragments of manuscripts, ancient books, documents and printed matter of special historic, artistic, scientific or literary value, as well as furniture items in traditional styles, painted earthenware, musical instruments, jewelry, precious stones and weapons.

6. The aim of Oman's National Heritage Protection is the implementation of Oman's obligations as a party to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, accession to which was sanctioned in 1970 by Royal Decree No. 69/77.

7. The House of Omani Heritage, maintained by the Ministry of National Heritage and Culture, is also responsible for implementing the National Heritage Protection Law. Products of traditional Omani craftsmen and artisans, including pottery, weaving, metalwork, wood carving and basket weaving, are purchased by the Ministry of National Heritage and Culture

and are then certified, exhibited and offered for sale at the House of Omani Heritage at subsidized prices. The Ministry assists Omani artisans and craftsmen in marketing their works. The Ministry thus promotes the conservation of the Omani heritage on which the products of these artisans are based.

8. The Oman Center of Traditional Music, established by His Majesty Sultan Qaboos Bin Said in 1983, to document, preserve and promote traditional Omani music has since its inception documented more than 80% of Oman's musical traditions, including more than 23,000 photographs, 580 audiovisual media and a large number of sound recordings. The Center has moreover compiled a digitized database of these documentation materials. It takes a comprehensive approach to the documentation of musical traditions, because in Oman traditional music is part and parcel of the traditional lifestyle, which includes healing, fishing, planting and other work techniques. The Center has identified more than 130 different types of traditional music in Oman, which can be classified into four main traditional expressions of Omani song. These are sea shanties and fishing songs, celebration songs, Bedouin traditional music and traditional mountain music. Despite the fact that experts at the Center regard the development of new ways of promoting the musical heritage in Oman without the consent of the traditional performer as a violation of the customary understanding of heritage use, they do not believe that exclusive rights should be granted in the reproduction of traditional music. Nevertheless, they do welcome the grant of performers' rights to the performers of traditional Omani music.

CULTURE

9. There are many and various cultural activities being sponsored, and conducted, by the Ministry of National Heritage and Culture in order to encourage the creativity of the Omani people, who have such a prestigious and ancient culture, and to communicate actively with the regional and international cultural environment. Many activities have been conducted both inside Oman and abroad.

MANUSCRIPTS

10. In its continuous, intensive care for Omani manuscripts, with a view to preserving and cataloguing them and to increasing their numbers, the Ministry cooperates with Sultan Qaboos University in cataloguing, documenting and verifying the manuscripts which represent a wealth of Omani intellectual and cultural heritage and constitute Omani participation in the human intellect since the beginning of time.

11. Besides the efforts to copy the manuscripts on to microfilm, under a comprehensive program that includes the training of a number of operators, the Ministry restores the manuscripts that need restoration: during 1997, 42 manuscripts and 119 documents were restored, and a number of Omani staff were trained in this work. It is known that more than 4,394 manuscripts relating to the Omani history have been collected from within the Sultanate and abroad, from many countries such as Portugal, the Netherlands, India, the United Kingdom, the United States of America, Tanzania and others.

FORTS AND CASTLES

12. Omani forts and castles (consisting of more than 5,000 forts, castles and historical buildings), spread all over the country, represent the magnificence of Omani art and

architecture, fully harmonized as it is with the social and defense needs of the Omani people, and their long and historic experience in architecture.

13. A number of forts and castles have been entered in the International Heritage List, in view of their historical and archeological value, such as the Bahla Fort, currently under-going restoration and renovation work under the direction of a special committee, while the Government of Oman is continuing to renovate and maintain various forts and castles, under a comprehensive plan, in order to restore the wealth of these treasures using the same materials as were originally used for their construction.

TRADITIONAL CRAFTS

14. Preserving national and traditional crafts is the aim of the Omani Government, as those crafts represent the transfer and perpetuation of Omani experience and expertise, throughout the centuries, in various aspects, in addition to embodying the historical pride of the people. The Government has encouraged craftsmen to develop their skills, and at the same time, maintain the nature and features of their trade. To achieve that objective, its Government purchases their artefacts, organizes local and overseas exhibitions and provides facilities for traditional craft industries; there are two factories, one in Bahla and the other in Samail, producing traditional handicraft to be acquired by tourists and locals, and also training centers in Sur, Bahla and Samail.

15. The Traditional Medicine Clinic, established by his Majesty Sultan Qaboos in 1988 with the aim of conserving the Omani national heritage in the field of traditional medicine, employs six traditional healers from different regions of Oman to provide cost-free medical treatment with plant medicines. Each healer keeps his specialized medicinal knowledge secret.

16. The Gulf Cooperation Council (GCC) Folklore Center established in 1982 and based in Qatar, has compiled extensive collections and a database of folklore. Officials of the Doha-based Center consider the compilation of expressions of folklore to be an intellectual property issue of immediate relevance to folklore documentation projects.

17. During the visit of Dr. Kamil Idris to Oman, where he was honored to meet H.M. Sultan Qaboos, the conversation centered on the importance of the heritage and intellectual property. His Majesty confirmed that Oman attaches great importance to intellectual property and the heritage. Oman is seeking to hold an international forum on intellectual property, with special emphasis on the protection of the heritage, genetic resources, traditional knowledge and folklore, at the beginning of next year, in January 2002.

18. On this occasion Oman wishes once again to express its gratitude and sincere thanks to WIPO and its Director General for the technical assistance that it has rendered us in the drafting of all our intellectual property laws, of vital importance to our accession to the WTO, which came into force on 9 November 2000. In addition we should like also to thank the fact-finding mission that visited Oman and prepared an excellent report on IPR and traditional knowledge in your country. Anyone interested in gaining further information on the subject can refer to the report, which is very useful indeed.

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