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Comments on Gap Analysis on the Protection of TCEs/Folklore

1. The concept of moral rights of the owners of TCEs/Folklore is no less important than the concept of economic rights and shall not be taken less seriously than the latter. It could be said that the document does not contain adequate analysis on the concept of moral rights, especially with regards to misuse and misappropriation of TCEs/Folklore.

2. Page 7: In our view, the document should emphasise that the 5 categories of TCEs/Folklore mentioned in Paragraph 13 are only examples of TCEs/Folklore and neither cover all forms of TCEs/Folklore nor prejudice against the interpretation of the definition of TCEs/Folklore in the future discussion of the IGC. If possible, the Gap Analysis should include all possible forms of TCEs as defined by UNESCO, even if it overlaps with TK as the two categories cannot be totally separated – TCEs could as well arise from TK.