

The Phuket Plan of Action

UNESCO/WIPO World Forum on the Protection of Folklore

8-10 April 1997

Phuket, Thailand

Participants from both the public and private sectors of the member countries of WIPO (World Intellectual Property Organisation) and UNESCO conducted an extensive exchange of views and experiences during the UNESCO/WIPO World Forum on the Protection of Folklore between 8 and 10 April 1997 in Phuket, Thailand. They noted the welcoming and keynote address by H.E. Somporn Asavahame who invited the participants to meet a challenge of creating a

ensure such protection. They also confirmed a need to define, identify, conserve, preserve, disseminate, and protect folklore which has been a living cultural heritage of great economic, social, and political significance from time immemorial. With emphasis on the importance of striking a good balance of interests between the community owning the folklore and the users of expressions of folklore, closer regional and international co-operation was considered as vital to the successful

establishment of a new international standard for the protection of folklore.

The participants also urged both the WIPO and the UNESCO to pursue their efforts in ensuring an effective and appropriate international regime for the protection of folklore.

In the light of the above, most participants suggested the following actions:

- Setting up a Committee of Experts in co-operation with UNESCO - as soon as possible - consisting of experts in both the conservation and protection of folklore, and representing a fair balance of global geographical distribution;

- Organising a regional consultative fora;

- Drafting (by the Committee of Experts) a new international agreement on the *sui generis* protection of folklore by the second quarter of 1998, in view of the possible convocation of a Diplomatic Conference preferably in the second half of 1998.

The participants from the governments of the United States of America and the United Kingdom expressly stated that they could not associate themselves with the Plan of Action.



new international standard for the legal protection of folklore. They also took into account the Recommendation on the Safeguarding of Traditional Culture and Folklore adopted by the UNESCO General Conference at its twenty-fifth session in Paris on 15 November 1989.

The participants were of the view that at present there is no international standard of protection for folklore, and that the copyright regime is not adequate to