

.....

**Christoph Antons, William Logan (eds.):  
INTELLECTUAL PROPERTY, CULTURAL PROPERTY  
AND INTANGIBLE CULTURAL HERITAGE, London-  
New York: Routledge, 2018, 264 pages**

*Intellectual Property, Cultural Property and Intangible Cultural Heritage* examines various notions of property in relation to intangible cultural heritage and discusses how these ideas are employed in rights discourses by governments and indigenous and local communities around the world.

There is a strong historical dimension to the book's exploration of the interconnection between intellectual and cultural property, intangible cultural heritage and indigenous rights discourses. UNESCO conventions, discussions in the World Intellectual Property Organization (WIPO), the Convention on Biological Diversity and the recent emphasis on intangible cultural heritage have provided various discourses and models. The volume explores these developments, as well as recent cases of conflicts and cross-border disputes about heritage, using case studies from Asia, Europe and Australia to scrutinize the key issues.

The volume consists of over 200 pages. The *Intellectual Property, Cultural Property and Intangible Cultural Heritage* contains 13 articles written altogether by 15 authors. The contributions are organised in 3 parts.

The first part shows that the Intangible Cultural Heritage has become an area of great interest for a diverse group of stakeholder. Also examines various concepts related with cultural property, intellectual property, how they are employed in heritage environment and rights, discourses by indigenous ethnic minority and local communities around the world. Behind the concepts presented in chapter one, two, three, chapter four outlines the application of cultural property and intellectual property concepts to intangible cultural heritage. It shows the cross-border conflicts which have arisen from the intersection and conflation of these laws. The emergence of local intellectual property rights to elements of heritage shows that the local governments are becoming very active in seeking their share of the income generated from its commercialisation which will lead to considerable diplomatic tensions between neighbouring countries with similar cultural heritage. In this situation chapter five and six describes that the intangible property information it must be given on certain degrees of legal protection depending on the social goals, on the development of the states.

The second part is related to the regulation of the heritage and indigenous rights. Intellectual property laws replace sovereign claims with rights to protect traditional knowledge, traditional cultural expressions and 'benefit-sharing' from innovation instead of engaging with Aboriginal law as law. The dephysicalisation of property law is important to understand because in addition to explaining the economic and political rationale of property as a rights-based institution, it also serves to remind legal scholars that property law is self-referential and self-authorising. The use of intellectual property rights to protect indigenous intangible heritage has been the subject of a

**Cristian Găzdac**

Institute of Archaeology and Art History  
Babeş-Bolyai University Cluj Napoca  
cgazdac2000@yahoo.co.uk

**Loredana Florea**

University Babeş-Bolyai of Cluj Napoca  
loredana.florea89@gmail.com



DOI: 10.14795/j.v6i2.410

ISSN 2360 – 266X

ISSN-L 2360 – 266X

long-term debate, first initiated at a time when an intangible heritage convention did not seem to be a future prospect. The safeguard for protecting community intellectual property rights is that researchers, research institutions, institutions of learning, laboratories or their agents and representatives must secure Free Prior Informed Consent. The protection of cultural integrity includes recognition of community intellectual property of indigenous knowledge systems and practices.

The last part is devoted entirely to the intangible cultural heritage, law and nation building. The promulgation of the 2003 United Nations Educational Scientific and Cultural Organization (UNESCO) Convention for the Safeguarding of the Intangible Cultural Heritage was

heralded as marking a historical turning point in terms of how cultural heritage is defined and managed.

International heritage conventions are never adopted by member states purely out of principle. Rather, as M. Askew and R. Bendix et al. have argued, international heritage instruments are always translated and deployed by state agencies within the frame of an existing heritage regime.

The book *Intellectual Property, Cultural Property and Intangible Cultural Heritage* offers the best perspective to the key issues due to the variety of cases presented in this rapidly growing field. It is an opportunity to know and understand the importance of the heritage.