

Intellectual Property.
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The concept of copyright did evolve as the basis for protection of rights of individual artists. This continued to be so for a long period of time in almost all the countries. In the wake of globalization the radical transformation of the societies and the nature and utilization of artistic works themselves has created a new focus and new problems.

One of the major trends is the multifaceted usage of cultural products in one hand and the development and technological innovations especially in the context of the audiovisual sector on the other.

Also with the growth of the information technology the access to cultural works has expanded freely. It has led not only an easy access but of international access to cultural objects and wider international usage without payment of royalty. Thus we are now confronted with difficulties of controlling illegal usage.

This has necessitated every owner of the creative work to consider the protection of his rights to ensure reasonable income and to prevent illegal usage. This requires a reconsideration of the process of implementation of the intellectual property regimes; new positive ways of legal protection and technological operations to ensure the rights of the creative artists are protected.

The pressure from the developed nation to incorporate traditional knowledge to the regime of copyright is very high. The traditional knowledge and practices is a community based one. They are owned by the community and practiced in a certain background. At least on the basis of the cultural beliefs it could be practiced only by the community in that formula.

Attempts have been made to incorporate traditional (indigenous) knowledge, beliefs and practices in to the field of Intellectual property regimes. The difficulties encountered are definition of these forms and practices to present day accepted norms and concepts. Secondly in view of customs they are not transferred on cash payment as they are owned and practiced family /community wise.

The concept of Traditional is not definable on the basis of western ownership. Words such as folklore, heritage, indigenous knowledge, etc does not properly connote actual concept of traditional knowledge of respective countries. Then there is the wide spread distortion by usage of folklore and usage by persons who had not acquired rights.

Intellectual Property utilization envisages capital and market oriented exploitation. Traditional cultural forms are not meant for it. Thus so called collective administration, its viability and non-compliance due to non-Legal framework and high cost of legal administration has led to its non-effectiveness. Also in view of comparative punishment in custom law regimes e.g. killing banishment. With the commercialization dangers are misuse of sacred objects and ceremonies and loss of its mystiques values for healing, and medicinal treatment.

Especially life forms and seeds are good examples. In Sri Lankan context we had about twenty traditional varieties of seed paddy. Each variety is grown and harvested under different conditions and taste of the end product is different. We also had at least twenty varieties of Bananas.

Protection of plant - varieties by Intellectual Property regimes is also not possible. To whom these rights belong? Who are the so-called Plant breeders? Poses more unresolved grey areas. Secondly patenting and hybrid productions seem to be undermining bio diversity.

With the hybrid new genetic forms the older forms have gone out of use and these has now become highly industrial product with high fertilizer usage resulting in increasing prices and taking away the cheap staple food which is the basis of survival in many agriculturally poor countries in Asia. This has changed eating habit into cheaper easier wheat flour usage resulting heavy drain on foreign exchange and farmer unemployment resulting abnormalities in the Social System.

The new formula of copyright protection now been canvassed by multi national companies inhibit diversity and tends to standardization. The man has been able to go through this long process because of their diversity and their desire to have and promote this diversity. The attempt to standardize activities and life forms will be a death knell for development and progress.

The other feature is that the copyright works has become objects of industrial usage. Rights of creative works to large extent are now owned by transfer or productively marketed by industries and largely by multi national companies. In view of this situation these companies especially, in the context of globalization and free market economies, has domination and domineering influence not only in their countries not also globally. Since these production are generally from west it has a lop sided situation as the products of smaller developing and eastern countries has only very little say in the globalized market.

Further more in view of the hegemony of multinational companies with its capitalistic strength it has become impossible for smaller companies anywhere in the world to compete for economic advantage and propagation of their cultural products and objects.

Thus we have to consider whether one could and should continue to allow free trade in the field of culture and creative work. Cultural diversity is an inherent factor not only to a nation but further diversities exists among different communities in many countries. It is this diversity we have to encourage, promote and perpetuate. In view of difficulties of promoting diversity in the context of capital-intensive dominated competition, we have to work out certain mechanisms such as quota system and subsidies, which is being implemented in the European Union Countries.