

SCRIPT-ed

Volume 1, Issue 1, March 2004

Declaration of Community Knowledge Rights: Towards a Sui Generis System

DOI: 10.2966/scrip.010104.212

© 2004. This work is licensed through [SCRIPT-ed Open Licence \(SOL\)](#).

**Brunel University Intellectual Property Postgraduate Class 2003-2004
As agreed on 15th March 2004**

Affirming the universal and intrinsic human value of cultural diversity and tradition,

Concerned that cultural diversity is at risk of being diluted and lost through global commercial exploitation without regard to the traditional custodians of cultures,

Affirming the importance of diversity in the development and expropriation of knowledge,

Affirming the inherent value of global biodiversity and the imperative for the protection of local and global environment,

Concerned that conventional means for recording, developing, and exploiting knowledge do not take account of traditional methods of developing and passing on knowledge,

Recognising that place and land is frequently of intrinsic cultural and spiritual value to a cultural community, but acknowledging that loss of place does not deny [community tradition](#),

Recognising the intrinsic community value and cultural significance of human remains;

Reaffirming the importance of efforts towards the repatriation of remains to the custodianship of traditional cultural groups;

Affirming the need for efforts towards the repatriation of alienated and dispersed individuals to community and cultural practice;

Respecting the inherent cultural and global value of [traditional knowledge](#) and its protection,

Affirming the fundamental value and immutable responsibility of communities in safeguarding traditional knowledge and cultural diversity,

Affirming the fundamental importance of culturally appropriate access to development for all communities according to principles consistent with those communities,

Rejecting the classification of traditional knowledge as global natural resources, available for exploitation as the common heritage of humankind,

Reaffirming the principle of prior informed consent of communities when accessing or exploiting their traditional knowledge and biological resources;

Sincerely declare the following principles of [community knowledge rights](#):

Article 1

Communities have the right to self-affirmation based on assertions of shared values and mutual recognition, and not limited by;

1. documentation;
2. place and land;
3. region or nationality.

Article 2

Communities have the right to development according to the internal values of the community.

Article 3

Communities have the right to observe customary laws with respect to the:

1. development;
2. dissemination; and
3. exploitation of knowledge.

Article 4

The technology and know-how for the documentation of traditional knowledge must be transferred to the communities that are the holders of that traditional knowledge in support of building the capacity of communities towards the maintenance of knowledge and community-development.

The authority for the documentation of traditional knowledge and the management of that documentation must vest in the communities that are the holders of the traditional knowledge.

Article 5

Communities have the right to exercise communal ownership according to customary law.

Article 6

Individual members of communities may acquire intellectual property rights in traditional knowledge but at no time can these be exercised in ways inconsistent with the values of the community or without the consent of community.

Article 7

Assertion by a community of ownership of traditional knowledge creates a presumption that knowledge is traditional. Lack of conventional scientific or other documentation does not defeat this presumption.

Article 8

At all times the exploitation and management of resources must be consistent with international biodiversity and sustainable development.

Definitions

Community An ancestral cultural group of ancient origins but enjoying and participating in ongoing development according to the shared values of that group

Tradition Usage and practice that has evolved and continues to evolve over many generations according to shared values of community and knowledge dissemination

Traditional Knowledge Includes, but is not limited to, information, beliefs, methods, practices, innovations, and cultural expressions and methods; it is developed from experience and maintained in accordance with the shared values of community, and is intrinsic to the ongoing identity and integrity of that community, incorporating the individuals themselves within a community

Community Knowledge Rights Rights of a community to the traditional development, management, and governance of its resources, artefacts, and individuals, acknowledging the inextricable relationship of community to its practices, traditions, and objects of cultural knowledge and information, including individuals and human remains.

15th March 2004

Postgraduate Students 2003-2004

Akiwande Akiwumi	United Kingdom
Ruby Amevor	Ghana
Vittoria Bettaglio Pollini	Italy
Smaragda Dania	Greece
Omotayo Elemide	Nigeria
Evgenia Giannoupoulou	Greece
Muhammad Gull	Pakistan
Nazia Kabir	Bangladesh
Ngai Kai	Peoples Republic of China

Purva Khokhar	India
Tatul Khudatyan	Armenia
Caroline King-Gadekah	United Kingdom
Anne-Sophie Laurin	France
Anne-Laure Marraud des Grottes	France
Kevin Mills	United Kingdom
Hecham Muhra	Syrian Arab Republic
JohnBosco Onyeme	Nigeria
Harshil Patel	Kenya
Avanish Tewari	India
Nuran Uyar	Turkey
Andrew Uzoka	Nigeria
Nandi Williams	St Vincent and the Grenadines
Oluwagbemiga Williams	Nigeria
Gullnar Younis	United Kingdom
Yao Zhu	Peoples Republic of China
And	
Johanna Gibson <i>(Director, Centre for Intellectual Property, Media and Technology Law, Brunel University)</i>	Australia