

Extended Abstract
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Role of Intellectual Property Rights in Promoting Ecotourism in Sri Lanka Dilani
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1. Abstract

Tourism sector in Sri Lanka is the third largest foreign exchange earner to the country which recorded Mn tourist arrivals in 2014, whereas Asia appeared as the main tourism source followed by Weste Employment generation both direct and indirect through the tourism sector is quite significant, that provides nearly 130,000 employment opportunities every year. According to the World Tourism Or ecotourism is recorded as the highest growing market in the tourism industry with an annual growth r cent worldwide. Nearly 3 percent of international tourist visits to Sri Lanka comprises of eco touris ecotourism an emerging market in the country. Sri Lanka has notable ecotourism resources and the g institutes are responsible in promoting ecotourism. The Intellectual Property Rights (IPRs) which includ trademarks, sui generis system, geographical indications, industrial designs, traditional knowledge et of the important IPRs in developing and promoting ecotourism. Although Sri Lanka passed its IPR A thus far IPRs are not widely used in Sri Lankan tourism sector including ecotourism. The overall objec paper is to identify strategies to promote ecotourism by strengthening IPRs in Sri Lanka. The specific are to; identify types of IPRs that Sri Lankan ecotourism is currently using, evaluate present IPR system more particularly in ecotourism, identify international best practices in using IPRs to promote ecot propose suitable strategies for proper use of IPRs in promoting ecotourism. The methodology of the pap of a comprehensive literature survey, country case studies and in-depth interviews with main stakeh findings highlighted the importance of disseminating knowledge on the importance of IPRs and the use protecting biodiversity, culture, traditional knowledge etc. in ecotourism to the grassroot levels. It is im provide a platform for stakeholders to discuss matters and to provide feasible strategies in protecting b culture and traditional knowledge while promoting ecotourism. Further, it is essential to establish a se to monitor and to provide adequate information and support in exploiting IPRs in ecotourism.

Keywords: ecotourism, geographical indication, IPR, trademarks, traditional knowledge

2. Introduction and research problem/issue

Tourism sector in Sri Lanka is an important sector in many aspects. Being the third largest foreign exch to the country it contributes a substantial percentage to the Gross Domestic Product (GDP) of the coun arrival in Sri Lanka has tremendously

increased after the eradication of the civil war in the year 2009. This is mainly due to the significant investments in tourism, development in infrastructural sector, especially roads and expressway introduction of new tourist attractions and promotional campaigns such as promoting eco-tourism, health tourism etc. The greater number of tourist arrivals are from Western Europe followed by Asian re a country perspective, India is the leading country of tourist arrivals followed by UK. China, Ge Maldives. Nearly, 68 percent of tourists visited Sri Lanka for holiday purposes whereas the balance c
1.9 % business visits and 30 % other purposes such as visiting friends and relatives, health, education

The purposes and the attitudes of tourists have gradually changed, whereas more preference is sho natural, cultural and social interactions. The concept of ecotourism¹ emerged with the collaboration rural, nature tourism, and its related activities as a niche market. Since early 1990s ecotourism has be 20-34 percent per year. According to the TIES fact sheet in 2004, ecotourism was growing globally 3 than the tourism industry as a whole.

Several types of Intellectual Property Rights (IPRs) are important in terms of tourism. Trademarks, patents, geographical indication, traditional knowledge are some of the commonly used IPRs in Especially, trademarks are essential in the service sector to distinguish one enterprise from the other. G Indication (GI) is important to the tourism sector and for agricultural products especially for ecotouri particular ecotourism sector or a sub-sector is selected such as bird watching, culture tourism, forest e could be developed with the proper protection of GIs. Traditional knowledge of village people will a important in terms of ecotourism. Copy rights are also important in the events of protecting any p materials. Thus, protecting these IPRs and taking measures to strengthening those will provide an ince private and government investors to promote tourism in the country inclusive of ecotourism.

Therefore, this paper attempts to address the following issues; (1).To identify and explain ecotourism i (2). To identify IPRs relating to ecotourism (3). To identify international best practices relating to IPRs in ecotourism and finally to (4). To suggest feasible strategies and policy options in promoting ecotouris IPRs.

3. Research methodology

Given the nature of the research questions being explored in the study, the methodology used was mainly components, which require an analysis that provide detail, process, richness and sensitivity to con questions required a comprehensive analysis providing detail and rich descriptions as well as sensitivity Of the five most popular and diverse approaches to qualitative research (ethnography, grounded t studies, phenomenological research and narrative research) , for this paper, the focus was on comparat on country case studies to identify international best practices.

¹ The concept of ecotourism was changed overtime and presently The International Ecotourism Society (TIES) define ecotourism as; "responsible travel to natural areas that conserves the environment, sustains the well-being of the local people, and involves interpretation and education" of both staff and guests.

The methodology of the research paper consisted of literature review, comparative analysis

on country case studies and Key Informant Interviews (KIIs) based on a semi structured questionnaire carried out amongst selected key stakeholders comprised of National Intellectual Property Rights Office officials from Sri Lanka Tourism Board, academia, lawyers, Chamber of Commerce, policy makers, media etc. KIIs were conducted using KII guide, which was prepared based on available literature. Data from KIIs were analyzed and interpreted using Nvivo -10 qualitative software package. KIIs were used to triangulate the information obtained from country comparative analysis and also to identify Sri Lankan

4. Results and findings

Sri Lanka has already implemented some rules and regulations with regard to natural resources and knowledge of its people. Most of these Acts and Ordinances collectively indicate a policy in favour of protection of natural resources, but are not specific laws relating to biodiversity and traditional knowledge. These laws were passed many decades ago.

Sri Lankan intellectual property law followed the British law on intellectual property until 1978. Since the TRIPS Agreement, the Government of Sri Lanka is obliged to introduce rules and regulations to protect things. Such laws are necessary to attract new and advanced technologies and to provide incentives especially for private investors. Sri Lanka passed its Intellectual Property Act No.36 in 2003 to comply with the agreement. However, this law does not have a direct bearing on biodiversity and traditional knowledge and does not allow for the patenting of biodiversity.

Based on the country analysis, 'trademarks' are essential in the service sector in order to distinguish one from another. For example; St.Moritz, Tri-valley California, love NY etc. Moreover, "Destination Branding" is the most common IPR, which is used in the tourism sector around the world. For an example a success New Zealand's destination branding "100 Percent Pure New Zealand" helped to increase the number of visits to New Zealand. Geographical Indication (GI) is also important especially for ecotourism, where ecotourism sector or a sub-sector such as birding tourism, culture tourism, or forest tourism can be furthered by protecting GIs. For an example GI registration of Turkish handcrafts has improved the production of handcrafts in Turkey. Traditional knowledge of village people is also important in ecotourism. For an example; British Columbia has identified that there is an attraction for Aboriginal culture tourism after Aboriginals shared their traditional knowledge with tourists. Prior to introducing Aboriginal culture tourism the authorities made arrangements to preserve their traditional knowledge. Copyrights are also used to protect promotion of tourism. Thus, protecting IPRs and taking measures to strengthen them will provide an incentive to private and investors to promote tourism in the country.

The most common type of property right that is used in the Sri Lankan tourism sector is trademark, generally used by different hotels and restaurants to promote their business. However, in most occasions only large scale concerns are concerned about registering their trademarks or industrial design in the tourism sector. And it is not very common in Sri Lanka. Accordingly, unclassified hotels have increased rapidly during the past years. They dominate tourist accommodation in Sri Lanka. The 248 tourist hotels approved by

SLTDA have been categorized into two major types: classified and unclassified. Classified hotels categorized from one to five stars based on criteria specified by World Tourism Organization (WTO) number of tourist hotels continue to be unclassified, as they do not meet these criteria. Unclassified properties demand that cannot be accommodated by branded establishments due to high rentals or non-availability form an important part of the hotel industry in the country. However, most of these unclassified accommodations are not bothering about protecting their intellectual rights.

Sri Lanka is a country which has rich cultural heritage and biodiversity. However, so far tourism sector developed to receive maximum benefits of IPRs to develop the sector. At the grassroots levels it is not very developed. There are several activities which could be strengthened by using strong IPRs. For example; there are places where we can develop as ecotourism destination by introducing geographical indication (tours in to show how 'Ceylon tea' grows and to show the process of manufacturing). In the same way, we can develop 'Ceylon Cinnamon', 'Sigiriya' as the 8th wonder of the world.'

The investment in tourism sector has increased vastly after the year 2009. There are several international chains including Shangri-La, Hyatt, Moven Pick, Best Western started their construction in the island. Many Small and Medium Enterprises (SMEs) investments were also started in the country especially in the Northern provinces after the end of civil war. Sri Lanka Tourism and Development Board and Bank of Sri Lanka have also identified the importance of branding and strategic repositioning to sustainable growth in the tourism sector including ecotourism in the medium and long term.

As a developing country, Sri Lanka should take advantage of the arrangements provided by the Trade-Related Intellectual Property Rights (TRIPs) Agreement and provide protection via geographical indication, trademark system, and folklore to enhance the tourism sector; by prioritizing ecotourism, which has proved to be an important industry in the economy.

It is clear that the country should have a well-established national policy on tourism focusing on ecotourism identified as one of the main sub-sets of the tourism sector. The country lacks a well-built protection system for ecotourism; this may lead to outside exploitation when natural resources are open for and exploration. Therefore, when promoting tourism, it is important to identify and devise ways to strengthen customary laws for the protection of traditional knowledge and natural resources of the country from outside exploitation.

Further, it is essential to increase public awareness on the subject, and keep them updated as they are an important part of the country and has a voice and the power to influence the government. As SMEs in the hotel sector is expanding and

of unclassified hotels is increasing, it is vital to provide knowledge on the values of the culture and knowledge to the general public and the importance of safeguarding the country's resources.

5. Conclusions, implications and significance

Intellectual property protection promotes investments and international trade flows. Simultaneously significant role in encouraging innovation, product development, and technical changes in the de process. It was identified that there is a positive

relationship between IPRs and the economic development of Sri Lanka. Economic development of t with IPRs happens through two channels namely; higher investments and international trade. This facto to the tourism sector as well.

As a developing country Sri Lanka should take advantage of the arrangements provided by the TRIPs and provide protection via geographical indication, sui generis system and proper methods in protecting knowledge to enhance the tourism sector in the country where providing high focus on the ecotourism proved as a blooming industry in the economy.

It is highlighted that the country should have a well-established national policy on tourism focusing on as it is identified as the one of the main subsets of the tourism sector. As at to-date most of the developin do not have a properly built protection system. Thus, we are highly vulnerable to outside exploitation. it is important to identify ways and means need to be devised and customary laws strengthened for the of traditional knowledge of the community from bio-piracy when promoting tourism.

Further, it is essential to increase general public awareness on the subject, and keep them updated as entity that has a voice and the power to influence the government. As SMEs in the hotel sector is exp unclassified hotels are increasing it needs to provide knowledge on the values of our culture and knowledge amongst general public and the importance of protecting our own things. As an example, i the general public that demands the government to provide protection.

In addition, it is important to have a separate unit or an institute to promote and monitor tourism se IPRs and to provide financial and other advisory supports to investors and people who are engaged in sector. Conduct awareness programmes at village level to provide protection for our traditional knowl could be exposed while promoting ecotourism.

Moreover, it is important to document the available knowledge, maintain a register to collect and keep knowledge and prevent unlawful access to and patenting of our traditional knowledge. And also it is im establish a Prior Informed Consent which provides the holder of traditional knowledge will grant prio consent to and conclude license contracts for access to such traditional knowledge. There is a need to alternative sui generis system which will meet the needs of the holders of traditional knowledge. Suc will not only ensure the sharing of benefits but also create an environment which would encourage the of traditional knowledge that would otherwise be lost to the world. The development of such a sui gen is not an easy task and required the concerted effort of the local community too.

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Sri Lanka has made a request to the Committee on Development and Intellectual Property (CDIP) pro World Intellectual Property Rights Organization (WIPO) to implement IPRs in the tourism sector in the Thus, it is utmost important to provide necessary inputs to WIPO, CDIP to implement necessary IPRs sector in Sri Lanka. So far, we don't have a proper mechanism to promote tourism sector especially the sector by using IPRs. Thus, it is essential to get the support of WIPO. Further, it is vital to implement th act on 'The protection of traditional knowledge in Sri Lanka' which was drafted and placed in WIPO i

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