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# **The Legal Character and Culturally Appropriate Practices of Traditional Indigenous Intellectual Creations— Suggestions for the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples**

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## Abstract

The enactment of the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples makes great contributions to the development and protection of indigenous traditional intellectual creations by adopting indigenous legal concepts suitable to tribal culture. For example, it recognizes collective rights to indigenous creations. Also, it recognizes that the period for legal protection of indigenous traditional intellectual creations as an exclusive right is permanent. However, concepts of traditional intellectual creation, economic right, moral right, and remedies in this act still derive from Copyright Law, and remain inadequate for proper adoption of indigenous tribal common law. Also, the Act does not refer to

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nor adopt culturally appropriate practices of traditional intellectual creations, which is very important to indigenous peoples in order to prevent cultural appropriation, but also to foster respect between cultures. This article thus gives some examples to elaborate these significant concepts, including indigenous traditional intellectual creation exclusive rights, traditional intellectual creation economic right and moral rights, culturally appropriate practices regarding indigenous traditional intellectual creations, and culturally appropriate remedies when traditional intellectual creation exclusive rights are infringed. These suggestions should help to better protect and promote indigenous traditional intellectual creations and cultures in appropriate fashion.

**Keywords:** The Protection Act for the Traditional Intellectual Creations of Indigenous Peoples, Indigenous Traditional Intellectual Creation Exclusive Right, Traditional Intellectual Creation Economic Right, Traditional Intellectual Creation Moral Right, Culturally Appropriate Practice of the Traditional Intellectual Creations