

**LEGAL ASPECTS OF TRADITIONAL KNOWLEDGE AND BIODIVERSITY  
(IPSP089)**

**EXAMINATION PAPER 12-19 OCTOBER 2018**

**Instructions**

- Answer all the questions.
- Please upload your answers on myunisa on **or before 19 OCTOBER 2018**
- This is an open book examination.
- Your answers – all together – may not exceed eight (8) typed pages. Students who exceed the said limit will be penalized.

**Declaration**

I know that plagiarism is to use someone else's work and pass it off as my own.

I know that plagiarism is wrong.

I confirm that these answers are my own work.

I have acknowledged in the bibliography accompanying the answers all the sources that I have used.

I have not directly copied without acknowledgement anything from the Internet or from any other source.

I have indicated every quotation and citation in a footnote or bracket linked to that quotation.

I have not allowed anyone else to copy my work and to pass it off as their own work.

I understand that if any unacknowledged copying whatsoever appears in my answers I will receive zero per cent.

I am aware of the UNISA policy on plagiarism and understand that disciplinary proceedings can be instituted against me by UNISA if I contravene this policy.

I indicate my understanding and acceptance of this declaration by entering my name hereunder.

**Name:** .....

### Question 1

Critically analyse this statement:

The concept 'traditional knowledge' has many facets and encompasses several components. What characterizes traditional knowledge is the fact that, generally, it is not produced systematically, but in accordance with the individual creator's, or the collective creators' responses to their cultural environment and their interaction with it.

In your answer, show how such a description makes it hard to protect traditional knowledge using the conventional intellectual property protection mechanisms. (25)

**[25]**

### Question 2

Discuss how traditional crafts are protected. In your answer, refer to relevant case studies, also the use of alternative forms of intellectual property in dealing with this issue.

(25)

**[25]**

### Question 3

*Read the following statement and answer the question that follows:*

In developed countries, expressions of folklore are generally considered as belonging to the public domain. This approach explains why, in the main, developed countries generally did not establish a legal protection of the manifold national or other community interests related to the utilization of expressions of folklore.

(a) Do you agree with this statement? Indicate and explain your reasons (15)

(b) Give an indication of what is the position in developing countries (10)

**[25]**

### Question 4

Identify the issues relating to the protection of ethnobotanical knowledge. In your answer refer to the following:

(a) Protection against exploitation of industrial property (10)

(b) Protection for exploitation of industrial property. (15)

**[25]**

**TOTAL MARKS: 100**

**END OF PAPER**

