

INTELLECTUAL PROPERTY, CULTURAL PROPERTY *and* INTANGIBLE CULTURAL HERITAGE



KEY ISSUES IN
CULTURAL
HERITAGE

edited by Christoph Antons
and William Logan

ROUTLEDGE




Intellectual Property, Cultural Property and Intangible Cultural Heritage examines various notions of property in relation to intangible cultural heritage and discusses how these ideas are employed in rights discourses by governments and indigenous and local communities around the world.

There is a strong historical dimension to the book's exploration of the interconnection between intellectual and cultural property, intangible cultural heritage and indigenous rights discourses. UNESCO conventions, discussions in the World Intellectual Property Organization (WIPO), the Convention on Biological Diversity and the recent emphasis on intangible cultural heritage have provided various discourses and models. The volume explores these developments, as well as recent cases of conflicts and cross-border disputes about heritage, using case studies from Asia, Europe and Australia to scrutinize the key issues.

Intellectual Property, Cultural Property and Intangible Cultural Heritage will be essential reading for scholars and students engaged in the study of heritage, law, history, anthropology and cultural studies.

Christoph Antons is Professor of Law at the Newcastle Law School, Faculty of Business and Law, University of Newcastle, Australia. He is an Affiliated Research Fellow at the Max Planck Institute for Innovation and Competition in Munich and Senior Fellow at the Center for Development Research, University of Bonn, Germany. His latest book publication is *The Routledge Handbook of Asian Law* (2017).

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HERITAGE STUDIES/LAW

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Intellectual Property, Cultural Property and Intangible Cultural Heritage

Intellectual Property, Cultural Property and Intangible Cultural Heritage examines various notions of property, in particular cultural property and intellectual property, their relationship to intangible cultural heritage and how these notions of property are employed in rights discourses by governments and indigenous and local communities around the world.

There is a strong historical dimension to the book's exploration of the interconnection between intellectual and cultural property, intangible cultural heritage and indigenous rights discourses. UNESCO conventions, discussions in the World Intellectual Property Organization (WIPO), the Convention on Biological Diversity and the recent emphasis on intangible cultural heritage have provided various discourses and models. The volume explores these developments, as well as recent cases of conflicts and cross-border disputes about heritage. Case studies from Asia, as well as from Europe and Australia, examine the key issues surrounding the complex relationship between intellectual and cultural property and intangible cultural heritage.

Intellectual Property, Cultural Property and Intangible Cultural Heritage will be essential reading for scholars and students engaged in the study of heritage, history, law, anthropology and cultural studies.

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Intellectual Property, Cultural Property and Intangible Cultural Heritage

Christoph Antons and William Logan

Emotion, Affective Practices, and the Past in the Present

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Series general co-editors' foreword

The interdisciplinary field of heritage studies is now well established in many parts of the world. It differs from earlier scholarly and professional activities that focused narrowly on the architectural or archaeological preservation of monuments and sites. Such activities remain important, especially as modernisation and globalisation lead to new developments that threaten natural environments, archaeological sites, traditional buildings and arts and crafts. But they are subsumed within the new field that sees 'heritage' as a social and political construct encompassing all those places, artefacts and cultural expressions inherited from the past which, because they are seen to reflect and validate our identity as nations, communities, families and even individuals, are worthy of some form of respect and protection.

Heritage results from a selection process, often government initiated and supported by official regulation; it is not the same as history, although this, too, has its own elements of selectivity. Heritage can be used in positive ways to give a sense of community to disparate groups and individuals or to create jobs on the basis of cultural tourism. It can be actively used by governments and communities to foster respect for cultural and social diversity and to challenge prejudice and misrecognition. But it can also be used by governments in less benign ways, to reshape public attitudes in line with undemocratic political agendas or even to rally people against their neighbours in civil and international wars, ethnic cleansing and genocide. In this way there is a real connection between heritage and human rights.

This is the time for a new and unique series of books canvassing the key issues dealt with in the new heritage studies. The series seeks to address the deficiency facing the field identified by the Smithsonian in 2005 – that it is 'vastly under-theorized'. It is time to look again at the contestation that inevitably surrounds the identification and evaluation of heritage and to find new ways to elucidate the many layers of meaning that heritage places and intangible cultural expressions have acquired. Heritage conservation and safeguarding in such circumstances can only be understood as a form of cultural politics and that this needs to be reflected in heritage practice, be that in educational institutions or in the field.

It is time, too, to recognise more fully that heritage protection does not depend alone on top-down interventions by governments or the expert actions of heritage industry professionals but must involve local communities and communities of interest. It is imperative that the values and practices of communities, together with traditional management systems, are fully understood, respected, encouraged and accommodated in management plans and policy documents if heritage resources are to be sustained into the future. Communities need to have a sense of 'ownership' of their heritage; this reaffirms their worth as a community, their ways of going about things, their 'culture'.

This series of books aims then to identify interdisciplinary debates within heritage studies and to explore how they impact on the practices not only of heritage management and conservation but also the processes of production, consumption and engagement with heritage in its many and varied forms.

William S. Logan
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