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### Intellectual property rights as a tool for enhancing ecotourism in Sri Lanka

November 3, 2016, 9:48 pm



By Dilani Hirimuthugodage

Copyrights are also used to protect promotional material. Thus, protecting IPRs and taking measures to strengthen them will provide an incentive to private and government investors to promote tourism in the country.

#### Existing IPR System

Presently, Sri Lanka does not have an established IPR protection mechanism for the tourism sector. Countries such as New Zealand, Switzerland, and Hong Kong have implemented several types of IPRs to promote their tourism industry. In 2016, Sri Lanka tourism has identified tourism branding plan as one of its main strategies. Sri Lanka has used several taglines such as 'Paradise Island', 'Land like no other' and presently, 'Sri Lanka: Wonder of Asia' in branding. However, it is questionable whether the branding and rebranding have been placed correctly when compared to countries like Singapore (Uniquely Singapore & Your Singapore), India (Incredible India), and Malaysia (Truly Asia), etc. For example, have enough wonders been identified in the country to promote under the brand 'Sri Lanka: Wonder of Asia'? What changes were made in what is offered to tourists when moving from the tagline 'Paradise Island' to 'Land like no other'?

Sri Lanka has made a request to the Committee on Development and Intellectual Property (CDIP) projects of the World Intellectual Property Rights Organization (WIPO) to implement IPRs in the tourism sector in the near future. The Intellectual Property Rights Act No: 36 of 2003 covers the IPRs in Sri Lanka. Currently, very few hotels and restaurants use trademarks to promote their businesses. However, on most occasions, only large-scale hotels are concerned about registering their trademarks or industrial designs. Thus, IPRs are not commonly used in the country's tourism field.

#### The Way forward

Despite the country's rich cultural heritage and biodiversity, the tourism sector has yet not reaped the benefits of IPRs, especially the benefits that the sector can gain from promoting brands, establishing GIs, etc. There are several activities relating to ecotourism, which could be strengthened through strong IPRs. For example, there are several locations, which can be developed as ecotourism destinations by introducing GIs (tours in tea estates/cinnamon estates/ paddy fields, etc.). Branding Sri Lanka as a tourism destination should be carefully carried out considering its competitive strength, strategic position, and competitors. Rebranding should not just be a change in the slogan but be accompanied with variations that are offered to tourists.

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

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

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

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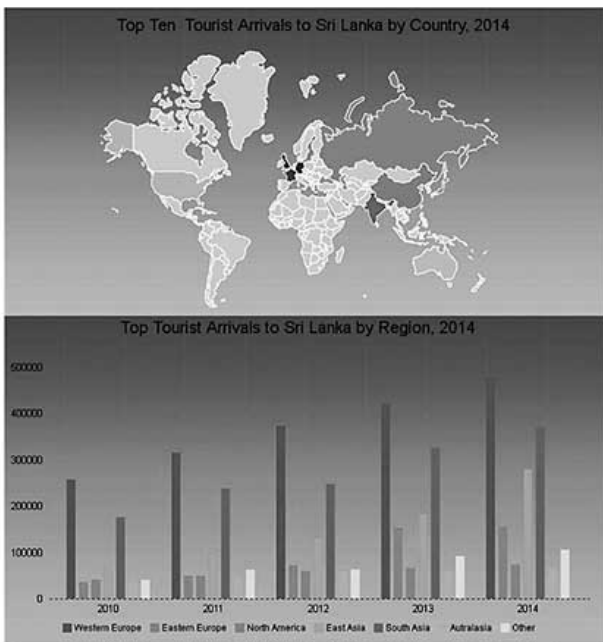
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is expanding and the number of unclassified hotels are increasing, it is vital to provide knowledge on the values of the culture and traditional knowledge amongst the general public and the importance of safeguarding the country's resources.

In addition, it is important to have a separate unit or a committee at the Intellectual Property Office or at the Sri Lanka Tourism Development Board to promote and monitor tourism sector related IPRs and to provide financial and other advisory support to investors and people who are engaged in this area of the tourism sector. Further, it is of utmost importance to provide necessary inputs to WIPO, CDIP with the aim of implementing necessary IPRs in the tourism sector in Sri Lanka.

Figure 2: Tourist Arrivals by Country & by Region, 2014



Source: Annual Statistical Report (2014), Sri Lanka Tourism Development Authority.

Dilani Hirimuthugodage is a Research Officer at the Institute of Policy Studies of Sri Lanka (IPS). To view the article online and comment, visit the IPS blog 'Talking Economics' - [www.ips.lk/talkingeconomics](http://www.ips.lk/talkingeconomics)

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