



Role of Intellectual
Property Rights in
Promoting
Ecotourism in Sri
Lanka

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Outline

- Background
 - The importance of tourism sector in Sri Lanka
 - Intellectual Property Rights (IPRs) in Tourism
- Objectives & Research methodology
- Research findings
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- Conclusions

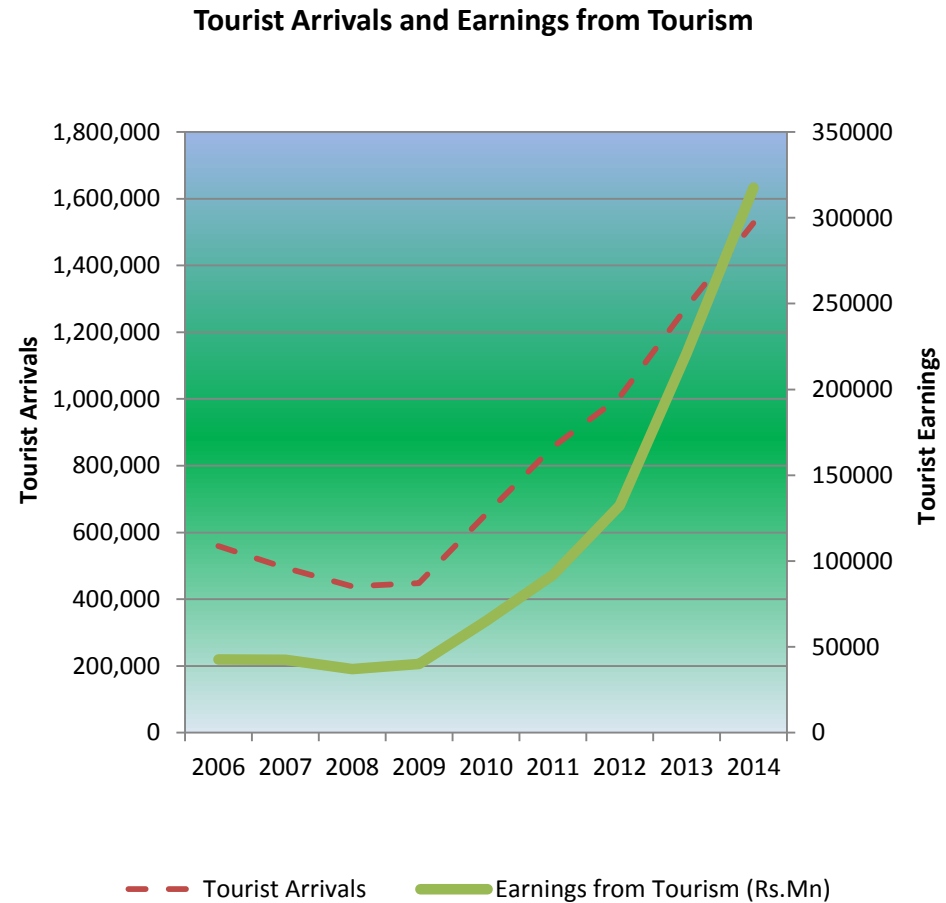
Background: Tourism Sector in Sri Lanka

- It is the country's third largest foreign exchange earner
- Contributes a substantial percentage (4%) to the Gross Domestic Product (GDP)
- Total employment (direct & indirect) : 299,890
 - Sector creates one job for every 5 arrivals.
- India is the leading country of tourist arrivals followed by UK, China, Germany and Maldives.



Background : Tourist Arrivals

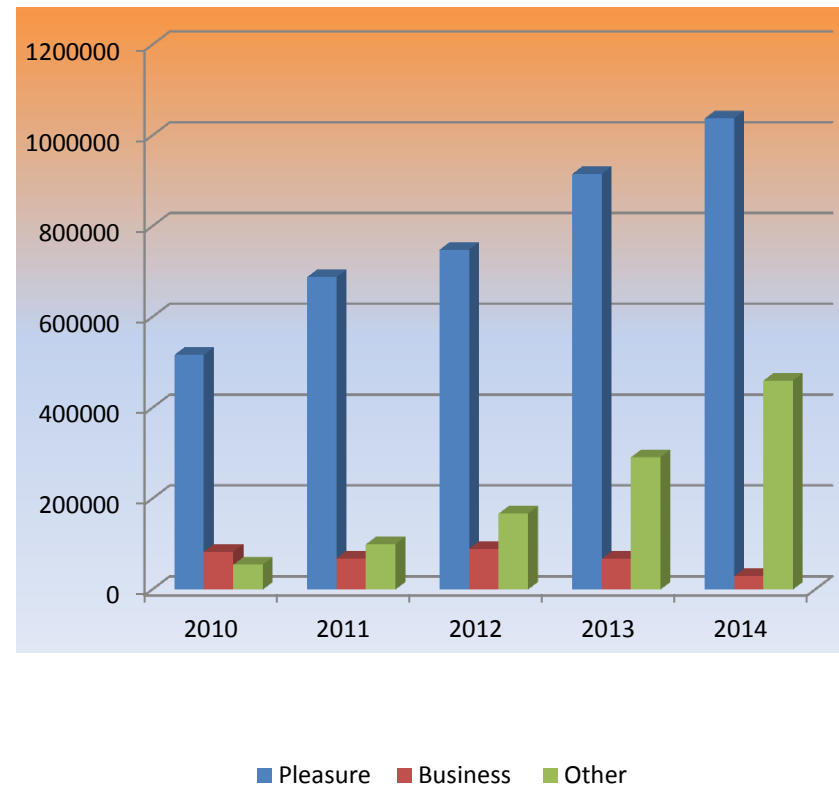
- Tourist arrivals in Sri Lanka has tremendously increased after 2009
- After the end of civil war the number of tourist arrivals increased rapidly
- In 2011 tourist arrivals has further marked an upward trend.
- This could mainly be due to the increase in promotional activities and introduction of new air routes with selected countries.



Background : Purpose of the Visit

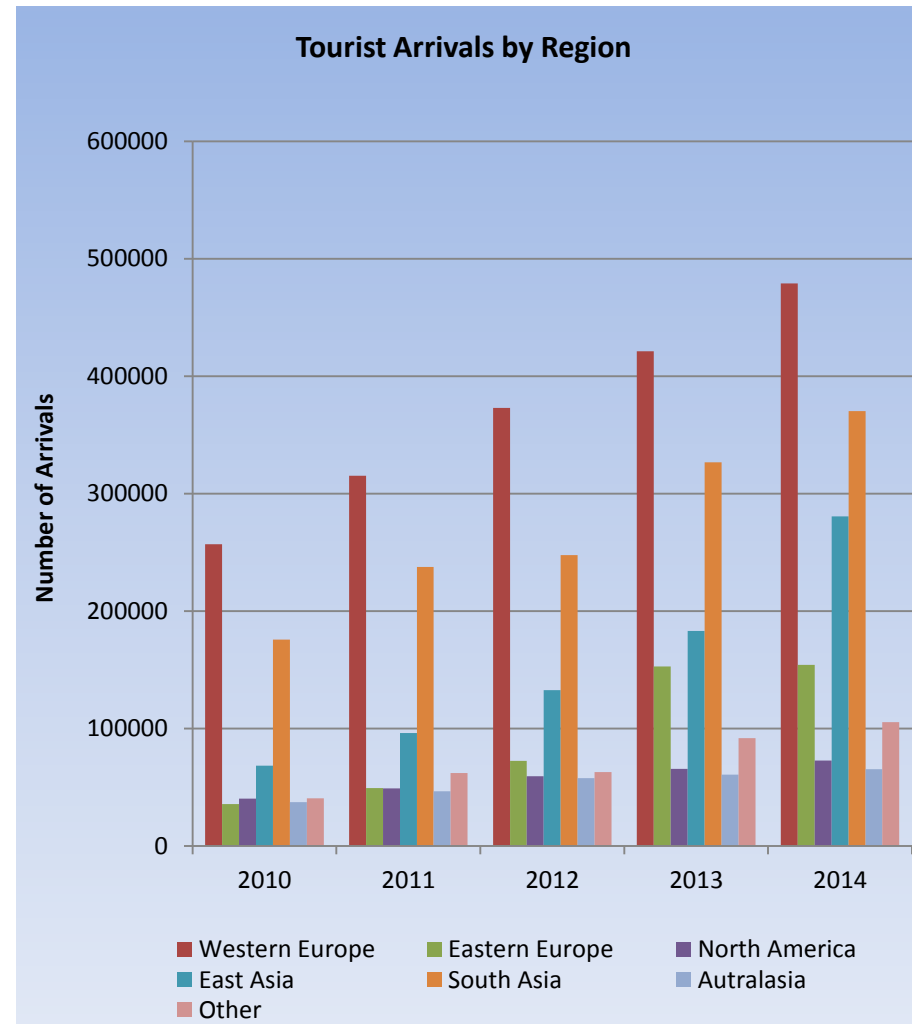
- A highest number of visits are for the purpose of pleasure/ holiday (68 %)
- Secondly, visiting relatives and friends (30 %)
- The highest proportion of visitors in the Pleasure/holiday category were from India (15%) followed by China (11%) and UK (9.1%)

Tourist Arrivals by Purpose of Visit



Background : Tourist Arrivals by Region

- Western Europe remain as the main source of tourist arrivals for Sri Lanka (30%).
- Tourist arrivals from South Asia is gradually increasing, it has recorded a 13 percent of increase in tourist arrivals when compared to 2013
- The market sources show a significant growth of their arrivals.

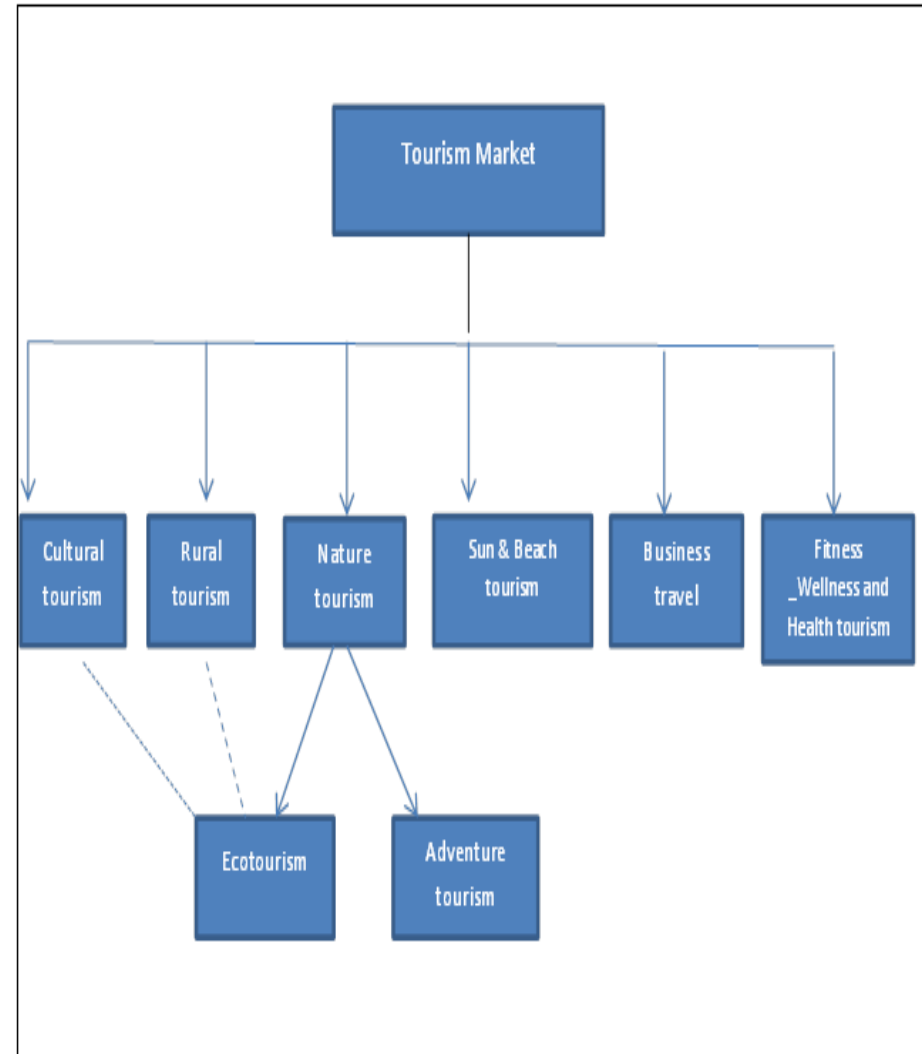


Background :Sri Lanka in Global Scenario



Ecotourism

- The purposes and the attitudes of tourists have gradually changed
- More preference is shown towards natural, cultural and social interactions
- The concept of Ecotourism emerged **with the collaboration of cultural, rural, nature tourism, and its related activities** as a niche market



Ecotourism- cont...

- In early 1990s ecotourism has been growing 20-34 percent per year
- TIES fact sheet in 2004, ecotourism was growing globally 3 times faster than the tourism industry as a whole
- Nearly 90 percent of the British tourists consider active protection of the environment and support of local communities to be part of a hotel's responsibility
- **Germany**, nearly 65 percent of travelers expect environmental quality and trying to get environmental friendly accommodation
- 53 percent of **American** travelers prefer to experience and associate local customs and culture of the country visited.

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 International Ecotourism Society, 2006).

Role of IPRs in Tourism

IPRs are a tool that can support tourism development through the creation of ideas, knowledge and innovations in the sector

The main IPRs in tourism sector are; Trademarks, Geographical Indications (GI) , Certification marks, Collective marks or a Sui generis system and Industrial designs

Patents, Copyrights and Trade Secrets are also important

“Destination Branding”, is the most common IPR which is used by the tourism sector

Traditional knowledge of village people especially in health and agriculture are also important in promoting tourism

Provide an incentive to the private and government investors to promote tourism in the country inclusive of ecotourism

Role of IPRs in Tourism

Sri Lanka is a country which has rich cultural heritage and biodiversity

Thus far tourism sector has not developed to harness maximum benefits of IPRs to develop the sector

The biological resources and farmers' traditional knowledge and skills have not been registered or documented

With the globalization process, bio-diversity and the traditional knowledge; skills and technologies possessed by the local village people in developing the culture are at a stake

There are several activities in the tourism sector which could be strengthened by using strong IPRs

Research Objectives

Identify and explain ecotourism in Sri Lanka

Identify IPRs relating to ecotourism

Identify international best practices relating to IPRs in promoting ecotourism

Suggest feasible strategies and policy options in promoting ecotourism by using IPR

Identify strategies to promote ecotourism by strengthening IPRs in Sri Lanka

Research Methodology

- Literature survey
- Key Informant Interviews
 - With main stakeholders :NIPO officials, IP lawyers, SLTA, Academia etc...
- Country case studies
 - Malaysia, Egypt

Findings

- Sri Lanka has notable ecotourism resources
 - 3% tourist arrivals are for ecotourism
- Most of the tourist arrivals are from the Western European region
 - High possibility in developing ecotourism in the country
- Very limited efforts have been taken to address issues at policy level : **Tourism Act No. 38 of 2005**
- Many hoteliers tend to practice ecotourism as a novel market oriented concept

Findings

- The most common type of property right that is used in Sri Lankan tourism sector is trademark
 - In most occasion only large scale hotels are concerning about registering their trademarks or industrial design in the tourism sector
 - A large number of tourist hotels continue to be unclassified

Findings – Country case studies

- Malaysia
 - Tourism industry is growing rapidly
 - SMEs engaged in tourism need to pay special attention to protecting their IP rights
 - **SMEs are strongly advised to register their logo** and tagline as a trade mark to protect their brands
 - Malaysia adopts the **‘first-to-file’ system**, meaning that the first person to register a trade mark owns that mark
 - Trade marks registration cost is lesser than the infringement cost of “bad faith”
 - Internet domain names can be registered with the Malaysian Network Information Centre
 - **Destination branding : ‘Malaysia, Truly Asia’.**

Findings – Country case studies cont...

- “Destination Branding”, is the most common IPR
 - A success story of New Zealand’s destination branding “**100 Percent Pure New Zealand**” helped to increase the number of tourist’s visits in New Zealand.
- Geographical Indication (GI) is also important especially for ecotourism
 - GI registration of **Turkish handcrafts** has improved the production of handcrafts in Turkey
- Traditional knowledge
 - **British Columbia** has identified that there is an attraction for Aboriginal culture tourism after Aborigines shared their traditional knowledge with tourists
- Copyrights are also used to protect promotional material

Policy Suggestions

- There are several activities which could be strengthened by using strong IPRs
 - Develop as ecotourism destination by introducing Geographical Indication tours in tea estates to show how ‘Ceylon tea’ grow and show the process of manufacturing
 - Promote ‘Ceylon Cinnamon’, ‘Ceylon tea’
 - Brand Destination : ‘Wonder of Asia’
- Sri Lanka should take advantage of the arrangements provided by the TRIPs agreement
 - Provide protection via geographical indication, sui generis system and proper methods in protecting traditional knowledge

Policy Suggestions

- Should have a well-established national policy on tourism focusing on ecotourism as it is identified as the one of the main subset of the tourism sector.
- Increase general public awareness
 - Conduct awareness programmes at village level to provide protection for our traditional knowledge which could be expose while promoting ecotourism.
- It is important to have a separate unit or an institute to promote and monitor tourism sector related IPRs and to provide financial and other advisory supports to investors and people who are engaged in the tourism sector

Policy Suggestions

- It is important to document the available knowledge, maintain a register to collect and keep traditional knowledge and prevent unlawful access to and patenting of our traditional knowledge.
- Prior Informed Consent which provides the holder of traditional knowledge will grant prior informed consent to and conclude license contracts for access to such traditional knowledge
- Important to provide necessary inputs to WIPO, CDIP to implement necessary IPRs in tourism sector in Sri Lanka
- It is vital to implement the proposed act on 'The protection of traditional knowledge in Sri Lanka' which was drafted and placed in WIPO in 2009.

Conclusion

- Importance of disseminating knowledge on the importance of IPRs and the use of IPRs in protecting biodiversity, culture, traditional knowledge etc. in ecotourism to enhance the tourism sector

Thank you