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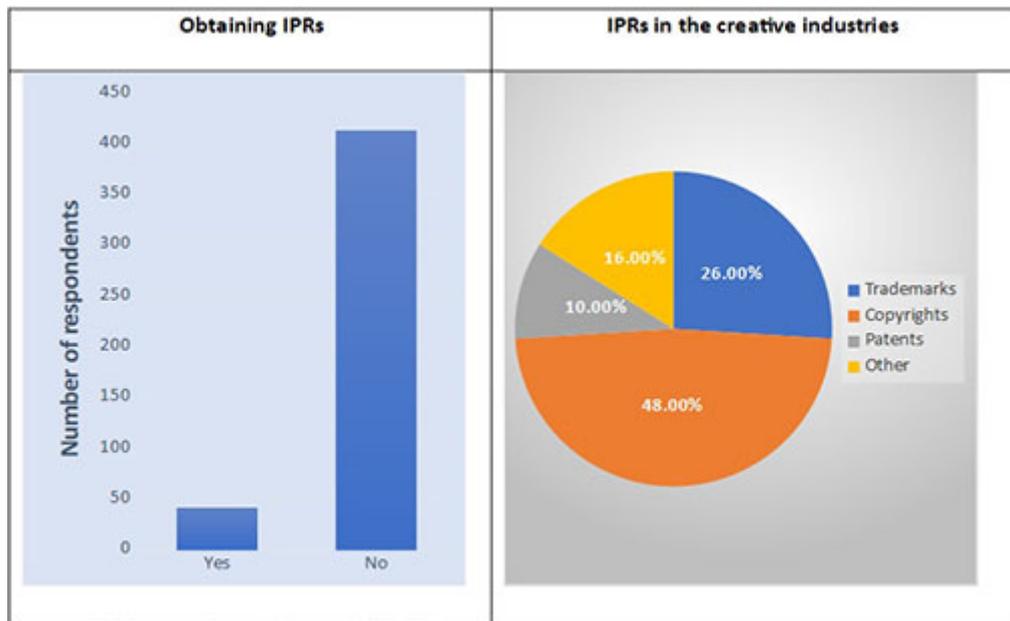


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Creating a culture of creativity: Importance of Intellectual Property Rights

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Source: Field survey data calculations (2020)



By Dilani Hirimuthugodage



On the 26th of April each year, Intellectual Property (IP) Day is celebrated to draw attention to the importance of IP rights in fostering creativity and innovation.



It is said that oil was the primary fuel of the 20th century economy while creativity of the 21st century. Creative industries encompass a broad range of activities such





craft, music, design and media which have their origin in individual creativity, skills and have a potential for wealth and job creation through the generation and exploitation of intellectual property. Creative industries are vital to many economies, accounting for a significant portion of the world's GDP and growing at an annual rate of 8.7% according to the latest available data.

The World Intellectual Property Rights Organization (WIPO) marks IP Day under various themes, and this year, it focuses on creativity in Small and Medium Enterprises (SMEs) by bringing novel ideas to the market. Intellectual Property Rights (IPRs) including copyrights, trademarks, Geographical Indications (GI), patents, and sui generis systems are instrumental in protecting and fostering creativity. This blog highlights the importance of IPRs for creative industries and offers strategies to build stronger, more competitive and resilient businesses.

Creative Industries in Sri Lanka

Sri Lanka's creative sector can be broadly divided into three categories: arts and crafts, design, and media. A study by the Institute of Policy Studies of Sri Lanka (IPS) conducted by the British Council, Sri Lanka identified 16 subsectors as creative industries:

According to the available data, Sri Lanka's creative industry has shown a growth of 95% between 2010 to 2014, rising from USD 433.6 million to USD 845.4 million. An approximate estimate of the GDP share of creative goods and services exports in 2014 was nearly 1.1%. The IPS survey, which sought to capture the current size and scale of the creative industry sector in Sri Lanka, found that only 4.6% of respondents were export-oriented and the balance produced for local consumption. Thus, the 1.1% GDP share is an underestimate, as it only accounts for the exports of creative goods and services.

The IPS survey also found that the number of employees in the sector make-up approximately 3% of the country's total labour force. Approximately 36% of creative workers are employed in the private sector and the rest is in government and semi-government sectors. Employment is high in this sector, with 40% of the workforce identifying themselves as 'self-employed'. As is the case globally, in Sri Lanka too, the sector consisted mostly of sole traders with only a few large businesses.

Most importantly, the creative industries depend on the talents of individuals and the generation of intellectual property. Thus, several IPRs are relevant to the sector. For

copyrights for literature, music, visual arts, digital creative work, trademarks for a and branding, GI for location-specific creativities, and patents for gaming and dig Therefore, IPRs play a major role in driving this sector. Further, IP enforcement is to protect the creator and/or investors to provide them with incentives to invest a develop the sector.

The awareness of IPRs among the survey respondents in the above-mentioned IPS poor. Only 8.8% had obtained any form of IP protection, out of which 48% had cop had patents, 26% had trademarks and 16% had others. Copyrights and trademarks up in each sector whereas patents were only adopted in a few subsectors such as visual/performing arts, crafts, advertising, etc. (Figure 1).

IPRs are relevant to the creative industry as it relies on the use of intellectual pro create its goods and services. Following are a few suggestions to enhance the effec utilisation of IPRs for the development of the creative sector: Firstly, it is importa enhance knowledge on access to IPRs in the creative industry sector through awar programmes at the grassroots levels especially in the craft, music, dance and desig Industry professional associations should take the lead in this regard.

Secondly, many traditional creative industry sectors such as craft, performing arts arts are location-specific such as Ambalangoda masks, Dumbara mats, and Wewel

products. Thus, products can use GI to indicate that the goods have a special quality or reputation because they originate from a specific place. This will help to protect rights, increase product value and better visibility. As such, the National Intellectual Property Office (NIPO) must speed up the process of identifying and obtaining GIs for selected products while also expanding links with WIPO to protect traditional creative industries.

Thirdly, at the national level, it is important to adopt a sui generis (a unique system) framework for protecting traditional knowledge and cultural expressions, which are the foundation from which Sri Lanka creates its unique designs. Fourth, laws need to be updated as the existing legal framework does not cater to developments in modern technology. NIPO should also improve its efficiency and capacity to cater to modern creative industries especially for IT and design sectors. Finally, Sri Lanka must modernise its legal system, incentivise grassroots innovation and promote homegrown creativity to foster a culture of creativity.

This blog is based on an IPS study, commissioned by the British Council, Sri Lanka and Cultural Industries in Sri Lanka (2020).

Dilani Hirimuthugodage is a Research Economist working on Environment, Natural Resources and Agriculture Policy at IPS. Her research interests include agriculture economic security, intellectual property rights and innovations. She holds a Masters in Economics (with Distinction) from the University of Colombo. She is part-qualified in Chartered Institute of Management (CIMA-UK). (Talk to Dilani: dilani@ips.lk)

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