

1. UNESCO's Copyright Activities and Mongolia

Norov URTNASAN, Secretary-General, Mongolian National Commission for UNESCO

UNESCO works for the worldwide dissemination of education, culture, science and information to promote peace and human development.

In particular, the UNESCO activities for the protection and development of cultural diversity, preservation of creativity within cultural heritage, promotion of human aptitude, and its advocacy of human cultural and creativity rights are closely interlinked with the contents and aims of our workshop.

As proclaimed in Article 1 of its Constitution, one of UNESCO's key goals is to promote the free flow of ideas by word and image, initiating international covenants for this purpose as appropriate.

Within this framework, UNESCO issued the Universal Copyright Convention in 1952, Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties in 1979, the Convention Concerning the Protection of the World Cultural and Natural Heritage in 1972, the Universal Declaration on Cultural Diversity in 2001, the Convention for the Safeguarding of the Intangible Cultural Heritage in 2003 and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions in 2005.

"Cultural diversity" suggests countless unique ways that the groups and communities that constitute humankind express themselves. Just as nature is inconceivable without biodiversity, humanity is also inconceivable without diversity, which stimulates creativity, innovation and exchange.

The ideological totalitarianism dominant in Mongolia throughout most of the 20th century restricted human rights and freedoms, including the freedoms of culture and thought, and impeded the expression of its people's gifts, talents and intellectual aptitudes.

Under these conditions, the development of intellectual property and copyright protection was unthinkable, and authors and creative workers were unable to fully enjoy their rights in the true sense of the term. The transition of Mongolia to a democracy and liberal economy in 1990 created a broad opportunity for intellectual property recognition and copyright protection.

Eventually, awareness of copyright increased in the nation, an independent authority for copyright was

established, and Mongolia joined international covenants on cultural heritage, intellectual property and copyright, and adopted related legislation. At the same time, collective management organizations for intellectual property and copyright have emerged.

Mongolia, as a member state of UNESCO, has been cooperating with that body and has been taking many new steps toward the protection and development of cultural diversity and heritage; the promotion of human talents, intellectual aptitude, creativity, and initiative and basic human rights and freedoms; as well as building awareness about, and protection of, intellectual property and copyright.

First of all, it is necessary to mention the actions of UNESCO and other international human rights organizations for the promotion and strengthening of human rights and freedoms. Cultural rights, intellectual property and copyright are integral parts of the basic rights and freedoms of human beings. All people have the right to self-expression, to create and disseminate works in their language of choice including their native languages, to participate in their cultural life, and to protect and develop their cultural heritage. In that spirit:

- In recent years Mongolia has ratified UNESCO's and other international covenants concerning the above-mentioned fields, and has succeeded in international cooperation:
- In 1990 Mongolia ratified the UNESCO Convention of 1972 on the Protection of World Cultural and Natural Heritage,
- In 1991 Mongolia ratified the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970
- In 1997 Mongolia ratified the Agreement on the Issues Related to Intellectual Property Rights Trade
- In 1998 Mongolia ratified the Berne Convention on Conservation of Works of Literature and Arts
- In 2005 Mongolia ratified the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage of 2003.

Besides these, numerous international legal documents and UNESCO documents concerning the creation of intellectual and creative works and copyright issues have been translated into the Mongolian language and disseminated nationally.

CHAPTER II

Aspects of the unique cultural heritage of the Mongolian people were registered by UNESCO as contributing to world heritage, further inspiring the Mongolians in their creativity and innovation. Specifically:

- The Orkhon Valley, accommodating hundreds of cultural monuments created by generations of Mongolia's ancestors, was listed as a World Heritage Site in 2004.
- The Mongolian traditional music of the morinhuur, was proclaimed as a UNESCO Masterpiece of the Oral and Intangible Cultural Heritage of Humanity in 2003. The Mongolian traditional long song was proclaimed in 2005.

Though these intangible aspects of cultural heritage are not directly included within the scope of copyright, they inspire in the Mongolian people pride in their cultural traditions and creativity to contribute to their further development. Those who are proud of their wonderful heritage and respect it, value their own creations, enjoy their rights and are able to protect them.

The cooperation with UNESCO also encompasses development of the talents and creativity of the people, including the youth, within Mongolia. Director General of UNESCO, Mr. Matsuura Koichiro, visited our country in 2005 to join the 2006 UNESCO Children's Performing Art Festival of East Asia and made an opening speech at the festival. The Certificate confirming the proclamation of the Mongolian long song as a UNESCO Masterpiece of the Oral and Intangible Cultural Heritage of Humanity was handed to the Government of Mongolia during that time. An address supporting creativity and freedom of thought was received from Mr. Matsuura at the World Forum of Poets held in Ulaanbaatar this year.

Furthermore:

- The last 10 years has seen the organization of various international events in Mongolia, with the support of UNESCO, aimed at the promotion of intellectual and creative freedom and the conservation of the heritage of our national culture. Among those events were a National Workshop on "Development of a Tentative National List of World Heritage"(1997); "International Symposium - Festival 'Epos of Central Asia'" (1999); a Regional Workshop on "Pressing Issues of Financing of Culture in a Market Economy" (2000); a Regional Meeting on "Prohibition of the Illicit Import, Export and Transfer of Ownership of Cultural Property" (2003); a National Workshop on "Urgent Problems in

Conservation of the Oral and Intangible Heritage of Mongolia" (2005); and Mongolian-Korean Workshop on "Safeguarding and Preservation of the Documentary Heritage of Mongolia" (2006).

- In cooperation with UNESCO and the World Intellectual Property Organization (WIPO), Mongolia has been organizing symposia, trainings and workshops, and implementing programs and projects through the Intellectual Property Office of Mongolia (IPOM), targeted at raising copyright and intellectual property awareness and enhancement of the protection of these rights.

National Workshop for Copyright Awareness and Production and Utilisation of the Mongolian Version of "Mongolian Version of the Asian Copyright Handbook", organized by the Mongolian National Commission for UNESCO and Intellectual Property Office of Mongolia and Asia/Pacific Cultural Centre for UNESCO, will be a valuable contribution to the enhancement of the protection of intellectual property rights and copyright.

Despite these achievements, copyright awareness is still insufficient among Mongolia's authors, artists, and the general public. As a result, there are still violations of intellectual property rights and copyright. Some of the factors that lead to the violations of these rights and suggestions for their solutions are as follows:

1. The old attitude of neglecting intellectual property rights and copyright among authors and the general public has been slow to change. Therefore, it is necessary to develop and publish simplified brochures explaining copyright and the relevant laws and to widely organize training and awareness-building activities.
2. The process of globalisation, supported by new advancements in information and communication technologies, offers unprecedented opportunities for human creativity, while at the same time presenting new challenges to the protection of intellectual property and copyright. Digital technology and total computerization have made it possible to produce numerous clones of original material within the shortest time span, and to transmit, broadcast or publish them with ease. This situation has caused more and more uncontrollable copyright violations. In this circumstance, it would be useful for Mongolia to organize special training for the authors,

artists, and culture industry entrepreneurs and services, in collaboration with UNESCO and WIPO, based on the experience and lessons of more developed countries.

3. The low rates of labour in Mongolia, including the rates paid for intellectual and creative works, inhibit the interest of authors to protect their copyrights due to their being no subsequent enjoyment of these rights. Thus, copyright still does not encourage people in their creativity and innovation. Low income and high poverty rates also negatively affect the capacity to buy intellectual and art works. Therefore, copyright and its protection are not implemented in their true senses. It is necessary to study this situation and to present a proposal to the Parliament and to the Government to elevate the rates paid for intellectual and creative work to make the payment fairer.
4. There is no systematic activity for copyright awareness-building, especially among authors and creative workers. There is a need to advocate for copyright protection among the entrepreneurs of cultural industry and services in such a way that it would be sufficient and inclusive enough for them to truly understand it. Also, the opportunities to study copyright existing at various educational establishments are not taken for this purpose. There is a need to develop and implement a program to promote copyright through the educational institutions, mass media and non-formal education systems. In addition, improvement of the provision for artistic education in kindergartens and schools should help develop creativity in children and bring them up to respect intellectual property and copyright.
5. The process of forming collective management organizations for copyright protection in Mongolia has been very slow and the existing organizations fail to conduct active work. This is also related to the social environment as mentioned above. Therefore, it is necessary for the government to support the governmental and collective management organizations for copyright protection, the organizations providing cultural production and services, and to fight the illicit trade of cultural commodities and services.

It is especially important to support people in establishing and developing cultural production and services while at the same time protecting copyright, and to help authors and artists to reach international markets and domestic distribution

networks. This will be a valuable contribution to the promotion and protection of copyright.