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ASSESSMENT STUDY ON INTELLECTUAL PROPERTY (IP) LANDSCAPE IN CREATIVE INDUSTRIES WITHIN THE WORLD HERITAGE SITES IN THE MEKONG REGION

Promoting Creative Industries for Heritage Tourism Development in Mekong Region Project (Creative 4 Mekong)

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Table of Contents

Introduction.....	1
Findings – Desk Research.....	1
Findings – Observations, Consultations, and Online Surveys	3
Institutional, Legal, and Regulatory Landscape of Intellectual Property.....	7
Cambodia	7
Lao PDR.....	7
Myanmar.....	7
Thailand.....	8
Vietnam	8
Case Studies on Mekong Country’s IP Institutions and Mechanisms	9
IP Protection and Promotion of Kampot Pepper from Cambodia.....	10
Securing Cultural IP Rights for the Oma People of Nanam Village in Lao PDR	12
IP Protection and Promotion of Traditional Medicine by FAME Pharmaceutical Company....	13
IP Protection and Promotion of Traditional Thai Silk and Pottery from Khorat	15
IP Protection and Promotion of Edible Bird's Nest and Palmyra Nectar in Vietnam	17
Case Study Summary	18
Common Challenges Identified Across the Case Studies	18
Mechanisms to Overcome Challenges	19
Recommendations	20
Conclusion	21
Works Cited.....	22
Appendix 1 - Summary of Online IP Survey	23
Appendix 2 - Artisan Documentation Template.....	35
Appendix 3 - “Result Dissemination Workshop on the Assessment Study of Intellectual Property (IP) for the Creative Industry in the Mekong Countries, December 12, 2024,” Presentations ...	37

Introduction

1. The Mekong region is home to significant world heritage sites, including Siem Reap (Cambodia), Luang Prabang (Lao PDR), Bagan (Myanmar), Ayutthaya (Thailand), and Hue (Viet Nam). These sites are vital to the region's rich cultural heritage as they are centers for traditional knowledge (TK) and traditional cultural expressions (TCEs). To ensure the sustainability of these industries, intellectual property (IP) mechanisms must be accessible, appropriate, and applied to promote and protect the cultural heritage and the industries themselves.

2. This "Assessment Study on Intellectual Property (IP) Landscape in Creative Industries within World Heritage Sites in the Mekong Region" examines the regulatory, legal, and institutional frameworks that govern IP in these cultural heritage destinations. The study uses global IP standards by the World Intellectual Property Organization (WIPO) to examine aspects of traditional cultural products in each world heritage location. The study further examines and assesses the challenges and opportunities identified in a baseline study conducted by the Mekong Institute (MI) on "Promoting Creative Industry for Heritage Tourism Development in the Mekong Region" from May to July 2024. This assessment used desk research on IP frameworks and case studies, observations and consultations, and online surveys to document IP processes to promote and protect TK and TCEs. The assessment concludes with recommendations for MI to support accessible, appropriate, and applied IP mechanisms to promote and protect Mekong cultural heritage.

Findings – Desk Research

3. This assessment conducted desk research on IP in cultural and creative industries to review relevant reports, case studies, and databases. The following paragraphs outline important resources used in the assessment study.

4. The baseline study conducted by the MI on "Promoting Creative Industry for Heritage Tourism Development in the Mekong Region" from May to July 2024 was used to inform the current state of cultural industries and heritage tourism development across five Mekong countries: Cambodia, Laos, Myanmar, Thailand, and Vietnam (CLMTV). The baseline study maps creative products and services in heritage sites like Bagan, Luang Prabang, Hue, Siem Reap, and Ayutthaya. It identifies pilot creative products, including traditional crafts such as lacquerware, silk, pottery, and performance arts like Khmer Shadow Theater and Khon dance. The study also highlights challenges, including insufficient stakeholder engagement and the need for IP protection. Recommendations focus on supporting creative MSMEs through digital platforms, sustainable tourism solutions, and cultural heritage preservation. The study aims to strengthen creative industries' contribution to socio-economic recovery, with specific targets to be achieved by 2027.

5. The desk research also examined reports from the Association of Southeast Asian Nations (ASEAN), the Asian Development Bank (ADB), WIPO, and the United Nations Educational, Scientific and Cultural Organization (UNESCO). These reports highlight the economic potential of creative industries and identify gaps in IP protection, particularly in developing regions like the Mekong. Further, the reports highlight that IP frameworks in Cambodia, Lao PDR, Myanmar, Thailand, and Viet Nam vary in maturity. Thailand and Viet Nam have more advanced systems but still face challenges with inconsistent enforcement of copyright, trademarks, and traditional knowledge. Cambodia, Lao PDR, and Myanmar are still developing IP frameworks to strengthen enforcement and institutional support for creative sectors.

6. The "ASEAN Intellectual Property Rights Action Plan 2016–2025" (ASEAN Secretariat, 2019) stresses strengthening IP systems across Southeast Asia to support creative industries.

The ASEAN action plan aims to establish a robust and harmonized IP system across ASEAN countries to drive innovation, creativity, and economic growth. It focuses on enhancing the capacity of national IP offices, aligning legal and policy frameworks with international standards, and improving IP enforcement mechanisms. The plan encourages regional cooperation, especially in addressing cross-border issues, promoting innovation, and supporting MSMEs in managing and commercializing IP assets. Public awareness campaigns are encouraged to foster respect for IP rights, and member states are expected to monitor and report progress to ensure the plan's successful implementation by 2025.

7. While there is progress in IP mechanisms, enforcement remains challenging for the creative industries. This is important as the “Creative Economy 2030” (ADB, 2022) report emphasizes the creative economy as a driver for inclusive and sustainable post-COVID-19 economic recovery. It highlights how creative industries were among the fastest-growing sectors globally before the pandemic, contributing significantly to global GDP and job creation. However, the pandemic severely impacted the sector, leading to financial losses and livelihood reductions. The report outlines the need for global consensus on defining and standardizing the creative economy, improving access to digital technologies, addressing intellectual property challenges, and supporting small and medium-sized creative enterprises. It also advocates integrating the creative economy into sustainable development goals (SDGs). It stresses the importance of regional and international cooperation to harness the sector's potential for innovation, economic growth, and cultural preservation.

8. The “World Intellectual Property Report” (WIPO, 2024) is a valuable resource emphasizing how innovation policy can stimulate economic development by promoting diversification and economic complexity. It highlights the role of creative industries in driving growth and explores how intellectual property rights can encourage innovation. Additionally, the report recognizes the challenges of sustaining growth in developing economies and emphasizes the need for tailored policies that leverage local strengths.

9. The “Report on Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions” (WIPO, 2020) explains how IP law interacts with TK, TCEs, and genetic resources (GRs). It discusses the challenges of protecting these traditional forms of creativity and innovation, often regarded as public domain under conventional IP systems, leading to potential misappropriation. The document emphasizes positive protection (where communities can assert rights over their TK and TCEs) and defensive protection (preventing unauthorized third-party claims on traditional knowledge). It highlights various international frameworks and how different forms of IP (copyright, trademarks, geographical indications) can be adapted or created through *sui generis systems*¹ to protect TK and TCEs through customary laws, preservation efforts, and benefit-sharing mechanisms, safeguarding communities' cultural and economic interests.

10. “Documenting Traditional Knowledge – A Toolkit” (WIPO, 2017) provides practical steps for artisans and communities to document and safeguard TK; an area still lacking in the Mekong countries. The toolkit highlights the benefits of documentation to preserve knowledge, prevent misappropriation, and support intellectual property (IP) protection. Without documentation, the report warns of potential risks, such as losing control over TK. The toolkit, therefore, emphasizes careful planning, respect for customary laws, obtaining prior informed consent (PIC), and creating legal frameworks to protect TK. The toolkit includes checklists for documentation stages, such as before, during, and after the process, ensuring a structured approach to preserving and protecting TK.

¹ A *sui generis* system is a unique legal framework designed to protect traditional knowledge, cultural expressions, or genetic resources in ways that conventional intellectual property laws cannot, addressing their communal ownership and perpetual nature. (WIPO 2020)

11. The report "Re|Shaping Policies for Creativity" (UNESCO, 2022) underscores the crucial role of culture and creativity in driving sustainable development as it accounts for 3.1% of global GDP and 6.2% of employment. Despite its significant contribution, the creative sector remains vulnerable, especially after the COVID-19 pandemic, which led to the loss of over 10 million jobs in 2020. The report emphasizes the need for enhanced public investment and regulation to safeguard artists and cultural diversity, which are often overlooked. It advocates for integrating culture into national and international policies to address global challenges such as poverty, gender inequality, and climate change while promoting human rights, gender equality, and the free movement of artists. Additionally, the report highlights the importance of nurturing creative ecosystems, taking advantage of digital opportunities, and ensuring fair access to cultural goods and services to achieve the SDGs.

12. The report "Boosting Tourism Development through Intellectual Property" (WIPO & UNWTO, 2021) emphasizes the role of IP in fostering innovation, creativity, and competitiveness in the tourism sector. It discusses how IP tools such as trademarks, geographical indications, copyrights, and certification marks can contribute to the branding of tourism destinations, product differentiation, and sustainable economic development. The report underscores the importance of effective IP management in helping tourism stakeholders, such as local communities, micro-small and medium enterprises (MSMEs), and national tourism organizations (NTOs), to protect their intangible assets, attract investment, and create value-added tourism products. Through global case studies, the report illustrates how leveraging IP rights can support destination development and protect cultural heritage.

Findings – Observations, Consultations, and Online Surveys

13. This assessment also utilizes observations, consultations, and online surveys on IP in cultural industries. The following paragraphs outline the activities conducted in the assessment study.

14. Observations during the Training cum Workshop on Creative Industry Associations Management in the Mekong Countries conducted at MI from 9 to 13 September 2024 provided valuable insights into the practical experiences of IP in the region. Participants included representatives from cultural industry associations, government bodies, and tourism. Discussions focused on barriers to IP knowledge, registration, and implementation while emphasizing cultural heritage artisans' challenges in protecting their works. Participants expressed concerns about the capacity of national IP offices when faced with low public awareness of the importance of IP in supporting cultural heritage artisans. Overall, there was a shared perception that existing IP frameworks are inadequate in protecting TK as enforcement mechanisms are still underdeveloped. Participants also agreed that greater regional cooperation in harmonizing IP standards and addressing cross-border IP issues would benefit cultural heritage protection and promotion.

15. After the training cum Workshop, participant consultations were conducted in country-specific groups to monitor and coach progress on post-training IP implementation action plans. It is important to note the participants did not propose specific actions to strengthen IP frameworks or enforcement mechanisms. Instead, all the IP action plans created during the training centered on raising awareness about IP protection through information dissemination activities. There was limited attention to the documentation and promotion of TK products, but when asked, they acknowledged this was important. This narrow focus reflects a gap in understanding within the broader IP landscape's role in safeguarding cultural heritage, where proactive measures like TK documentation and market promotion are essential. Without these steps, valuable cultural assets risk remaining vulnerable to misappropriation, and their economic potential in global markets is underutilized. Participants' IP awareness indicates the need for holistic IP strategies that inform, actively protect, and enhance the visibility of TK products within and beyond regional markets.

16. The post-training group action plan consultations further allowed participants to delve into their practical experiences and challenges in applying IP within the cultural industries. Participants shared their experiences implementing IP protection, highlighting obstacles for artisans and MSMEs. For example, perceived complex and inaccessible IP registration processes were felt to exclude many artisans. This is why all the country groups' action plans included targeted training on the importance of IP and navigating IP frameworks, particularly for small-scale artisans who lack the resources to engage fully with formal IP mechanisms. The lack of localized support and guidance from national IP offices was recognized as a barrier to effectively protecting TK and TCEs. It is important to note that government official participants explained that the IP offices provide support. The Consultant observed that craft associations and NGOs play an essential role in strengthening the accessibility to the IP registration processes.

17. The post-training group action plans also required groups to document artisans. This assisted the MI baseline study "Promoting Creative Industry for Heritage Tourism Development in the Mekong Region." Further, it provided a basis for protecting the artisans' IP. The artisan documentation template is provided in Appendix 2.

18. After training, an online survey gathered feedback from participants and government departments regarding intellectual property (IP) protection processes and challenges. The survey result is provided in Appendix 1. Respondents consistently noted a lack of awareness and understanding of IP rights within the cultural sector, particularly among smaller enterprises and rural artisans. While some progress has been made in developing IP policies, respondents noted that these policies are often poorly enforced, especially concerning the protection of traditional knowledge (TK) and cultural heritage.

19. The survey revealed a widespread belief that existing IP frameworks must be more user-friendly and responsive to the specific needs of the creative industries. Respondents called for the following support measures:

- Legal Advisory: Assistance with IP laws and procedures
- Financial Support: Funding for application fees, documentation costs, etc.
- IP Awareness Training: Workshops or sessions to help artisans understand IP protection
- Language/Translation Assistance: Help with translating documents to access international IP protection
- Market Access: Support with branding, marketing, and commercialization
- Technical Assistance: Help with online applications, document production, and processes

20. The online survey also provided insights into obtaining IP protection. While the process is straightforward, it can be daunting for local artisans and MSMEs. Figure 1 outlines that the process begins with Preparation, where artisans must identify their IP product and determine the type of IP protection needed under national laws. This initial step can be challenging without legal knowledge. This is followed by Documentation, which requires gathering the necessary paperwork specific to the IP type and country requirements, which can be time-consuming and complex. For TK and TCEs, documentation can include photos and videos of the traditional products. Next, Registration involves applying, either online or in person, for a specific IP protection mechanism. This is followed by Payment of registration fees, after which the IP office issues a filing receipt. The IP fees vary depending on the type of protection and country. In general, fees range between USD 20 and USD 200. Additional costs can include legal fees, documentation costs, and even transportation to an IP office. Estimated additional costs can be as high as USD 300. The Review stage, where applications are examined, can take 10 to 55 months, depending on the IP type and procedural efficiency. Finally, Granting and Publication involves formally issuing a certificate confirming IP ownership, and registrants

may then apply for international protection. This process can be continued online through WIPO if international protection is required.

21. Navigating this lengthy process can be overwhelming for many artisans and small businesses in the Mekong region. This underscores the critical role of supporting organizations, such as craft associations, which can gain expertise in the IP process and assist artisans at each step. By leveraging the knowledge and experience of these organizations, artisans can more easily protect their traditional knowledge and cultural expressions, ensuring that their creations receive proper recognition and protection both locally and internationally.

Figure 1: Mekong IP Application Process



22. The participants' post-training action plan implementation presentations during the "Result Dissemination Workshop on the Assessment Study of Intellectual Property (IP) for the Creative Industry in the Mekong Countries, December 12, 2024," consistently called for more accessible and streamlined IP processes, targeted training, and localized support for artisans and small enterprises. A recurring theme was existing IP systems are inadequate to protect TK and TCEs, with a limited capacity of artisans and insufficient public awareness being key obstacles.

23. The five country presentations provided specific recommendations that include:

- Training and Capacity Building:
 - Provide targeted training for artisans to improve product quality and enhance skills.
 - Expand training programs to include more artisans, particularly those in underserved communities.
- Cultural Enterprise Partnerships
 - Establish partnerships with cultural enterprises to assist artisans in obtaining IP, improving quality control, and accessing broader markets.
- IP Protection and Registration:
 - Strengthen Geographical Indication (GI) to enhance the recognition and authenticity of traditional products.
- Marketing and Promotion:
 - Develop marketing strategies to position cultural products as premium offerings.
 - Use public relations campaigns, social media, and digital platforms to promote artisans, workshops, and cultural products.
 - Collaborate with travel agencies and local retailers to showcase craftsmanship and connect with broader audiences.
- Educational Integration and Awareness:
 - Introduce traditional crafts and cultural heritage into school curriculums, starting at the primary level, to foster early awareness.
 - Raise public awareness through workshops, local organizations, and community events.
- Tourism and Cultural Conservation:
 - Promote communities as cultural tourism destinations and conservation areas.
 - Create networks linking traditional crafts with tourism initiatives.
- Regional Outreach:
 - Build partnerships for better regional market access and international promotion of cultural products.

24. The presentations delivered by the five country groups demonstrated remarkable effort and dedication in addressing the practical challenges of implementing IP promotion and protection within the cultural industries. The groups skillfully highlighted the barriers faced by artisans and MSMEs, such as the complexity and inaccessibility of IP registration processes, and proposed actionable solutions to bridge these gaps. Their action plans showed a deep understanding of the need for targeted IP awareness and navigation training, particularly for small-scale artisans who often lack resources and support. By emphasizing the role of documenting artisans' work and leveraging NGO and craft association partnerships, the groups presented thoughtful strategies to strengthen the accessibility and effectiveness of IP systems. The inclusion of measures to raise awareness, provide legal and financial support, and enhance market access underscores each group's comprehensive approach to promoting the protection of traditional knowledge and cultural expressions. Their presentations were a testament to their commitment to preserving cultural heritage and empowering local creative industries.

25. Action Plan presentations are provided in Appendix 3,

Institutional, Legal, and Regulatory Landscape of Intellectual Property

26. The institutional landscape for IP protection in the cultural industries sector varies across the five Mekong countries, with significant gaps that impact the safeguarding of cultural products and services. This section identifies the key institutions responsible for IP protection for cultural industries in each country and how these institutions apply mechanisms to protect and promote the industries at the five destinations.

Cambodia

27. Cambodia's IP legal framework is aligned with international standards, having acceded to treaties such as the Paris Convention and Berne Convention². Multiple national-level government departments are responsible for IP, including the Department of Copyright and Related Rights, the Ministry of Culture and Fine Arts, the Department of Industrial Property, the Ministry of Industry, Science, Technology and Innovation, and the Department of Intellectual Property, the Ministry of Commerce. In the *Global Innovation Index 2023*, Cambodia ranks 101st out of 132 countries globally and 15 out of 16 in Asia and Oceania³, highlighting the country's ongoing challenges in fostering and protecting a robust innovation environment. A lack of resources in IP offices and the judiciary complicates effective enforcement, creating an environment where creative industries struggle to protect outputs (see Chart 2 below). Although the legal framework covers copyright and trademarks, integrating TK into Cambodia's IP system is still underdeveloped. Further, while some online services are provided, IP protection applications typically must be made in Phnom Penh. Currently, no provincial offices accept applications. This leaves cultural products, especially those tied to Cambodia's rich cultural tourism, vulnerable to misuse and exploitation, exacerbating the challenges to protect intellectual property.

Lao PDR

28. Lao PDR has made progress with the Law No. 50/NA of November 20, 2023, on Intellectual Property⁴, which covers patents, trademarks, geographical indications, copyright, and enforcement of IP and related laws, including TCEs. This progress supports the country's commitment to international treaties such as the Berne Convention and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)⁵. The Department of Intellectual Property, Ministry of Industry and Commerce is the national-level government department responsible for IP. Lao has online IP registration services and offices in every province. Further, there are plans to update and expand awareness-raising activities. However, like Cambodia, enforcement in the cultural sectors, particularly in crafts, arts, and traditional music, remains weak due to institutional gaps and a lack of awareness about IP rights. According to the *Global Innovation Index 2023*, Lao PDR ranks 110th out of 132 countries globally and 16 out of 16 in Asia and Oceania⁶, indicating the need for further improvements in IP governance and innovation capacity.

Myanmar

29. Myanmar's IP landscape is still developing. There was a breakthrough in 2019 with introducing a series of IP laws covering copyrights, trademarks, patents, geographical indications, and industrial designs.⁷ These laws support Myanmar joining the WIPO Convention in 2001. The Intellectual Property Department Ministry of Commerce is the

² WIPO Database accessed 04/09/2024 [WIPO Lex, Member Profile, Cambodia](#)

³ Global Innovation Index 2023, Cambodia. <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-2000-2023/kh.pdf>

⁴ WIPO Database accessed on 05/09/2024 [Law No. 50/NA of November 20, 2023, on Intellectual Property, Lao People's Democratic Republic, WIPO Lex](#)

⁵ WIPO Database accessed 05/09/2024 [Information by Country: Lao People's Democratic Republic \(wipo.int\)](#)

⁶ Global Innovation Index 2023, Lao PDR. <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-2000-2023/la.pdf>

⁷ WIPO Database accessed 05/09/2024 <https://www.wipo.int/wipolex/en/members/profile/MM>

national-level government department responsible for IP. However, the country continues to face challenges in enforcement due to the evolving nature of its IP institutions. According to the Global Innovation Index 2022, Myanmar ranks 116th out of 132 countries globally and 17 out of 17 in Asia and Oceania⁸, reflecting the country's struggle to foster innovation and protect intellectual property. Awareness of IP rights among creative professionals remains low, with limited initiatives to educate stakeholders. Furthermore, the lack of a concrete framework for the protection of TK leaves Myanmar's rich cultural heritage, including puppetry and lacquerware, vulnerable to exploitation and unauthorized use. An example is that geographical indicators, which were passed into law in 2019, are not yet fully functional. Implementing GI is still in progress and limits the protection of TK and TCEs. This results in underdeveloped enforcement mechanisms that exacerbate the risk of misappropriation of creative products, hindering the potential for these sectors to thrive.

Thailand

30. Thailand has an advanced IP framework supported by the Copyright Act, Trademark Act, and Patent Act, and is a member of international IP agreements such as the Berne Convention and TRIPS⁹. The Department of Intellectual Property Ministry of Commerce has specialized IP services and enforcement units that protect IP rights across its creative industries. DIP provides a variety of online services, including e-filing, online libraries, and online learning¹⁰. According to the Global Innovation Index 2023, Thailand ranks 43rd out of 132 countries globally and 9th out of 16 in Asia and Oceania¹¹, reflecting its strong commitment to innovation and IP protection. While Thailand's creative industries, including fashion and performing arts, benefit from IP protection, challenges such as piracy and the unauthorized use of TK persist. Strengthening enforcement mechanisms and further integrating TK into the legal framework will be critical for safeguarding these valuable cultural assets.

Vietnam

31. Vietnam's IP framework is robust, with the introduction of a series of IP laws covering copyrights, trademarks, patents, geographical indications, and industrial designs over the past 10 years¹². The country is a signatory of IP treaties, including TRIPS and the Berne Convention, and has established a functional enforcement system. The Copyright Office of Viet Nam Ministry of Culture, Sports and Tourism and the Intellectual Property Office of Viet Nam Ministry of Science and Technology of Viet Nam are the national-level government departments responsible for IP¹³. According to the Global Innovation Index 2023, Vietnam ranks 46th out of 132 countries globally and 10th out of 16 in Asia and Oceania¹⁴, underscoring its growing commitment to innovation and IP protection. While Vietnam has made efforts to protect TK and TCEs, specific legal instruments to safeguard indigenous cultural products remain insufficient. This leaves significant gaps in the protection of Vietnam's rich cultural heritage, making cultural industries vulnerable to exploitation.

32. It should also be noted that post-training group action plan follow-up meetings identified that Geographical Indicators have been in place to protect Hue's unique palm leaf conical hat weaving for the past ten years. Despite this IP protection, the artisans are unaware of it and do not perceive any benefits of the protection.

33. The above IP landscape description is supported by Chart 1 below, which highlights differences in IP application and registration among Mekong countries, reflecting the varied maturity of their systems. Thailand and Viet Nam lead in patents, trademarks, and industrial

⁸ Global Innovation Index 2022, Myanmar. https://www.wipo.int/edocs/pubdocs/en/wipo_pub_2000_2022/mm.pdf

⁹ WIPO Database accessed 05/09/2024 https://www.wipo.int/directory/en/details.jsp?country_code=TH

¹⁰ Department of Intellectual Property (DIP) accessed 05/09/2024 <https://www.ipthailand.go.th/en/home-eng.html>

¹¹ Global Innovation Index 2023, Thailand <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-2000-2023/th.pdf>

¹² WIPO Database accessed 05/09/2024 <https://www.wipo.int/wipolex/en/members/profile/VN>

¹³ WIPO Database accessed 05/09/2024 <https://www.wipo.int/wipolex/en/members/profile/VN>

¹⁴ Global Innovation Index 2023, Viet Nam <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-2000-2023/vn.pdf>

design filings, showcasing their relatively advanced IP infrastructures and higher global rankings. Thailand recorded 41 patent applications and 56 trademark filings, while Viet Nam closely followed with 48 patents and 35 trademarks, indicating robust institutional support and public engagement in IP. By contrast, Cambodia, Lao PDR, and Myanmar have lower registration figures, suggesting that IP awareness and accessibility remain limited. Myanmar, for example, ranked 162nd in patent applications and 155th in trademark filings, which signal institutional and regulatory challenges. Additionally, Lao PDR's lack of data for patents and industrial designs indicates either low engagement or challenges in data collection, which may hinder informed policy adjustments and IP framework improvements.

Chart 1: Mekong Intellectual Property Global Rankings 2022¹⁵

Patents Total applications		Trademarks Total filings		Industrial Design Total filings	
Thailand	41	Viet Nam	35	Thailand	45
Viet Nam	48	Thailand	56	Viet Nam	51
Cambodia	115	Myanmar	155	Cambodia	150
Lao PDR	NA	Cambodia	159	Lao PDR	150
Myanmar	162	Lao PDR	165	Myanmar	NA

34. Chart 2 illustrates the relationship between innovation inputs (investments in innovation infrastructure, education, and R&D) and innovation outputs (results such as patents, publications, and tech developments) across select Mekong countries. A positive difference between input and output ranks indicates efficient translation of innovation investments into high-quality outputs. Despite facing substantial economic and infrastructural challenges, Myanmar shows a significant positive difference of +18, suggesting that it effectively converts its investments into productive outcomes. Similarly, Viet Nam (+17) and Thailand (+1) maximize their investments. In contrast, Cambodia (-3) and Lao PDR (-20) lag, indicating challenges in converting investments into substantial outputs. The chart underscores the importance of IP protection mechanisms for innovation investment to generate quality outputs.

Chart 2: Innovation investments vs Innovation outputs¹⁶

	Innovation Inputs Rank	Innovation Outputs Rank	
Cambodia	97	100	-3
Lao PDR	100	120	-20
Myanmar	122	104	+18
Thailand	44	43	+1
Viet Nam	57	40	+17

35. These rankings reinforce IP's current institutional, legal, and regulatory landscape in the Mekong region, where gaps in IP governance, enforcement, and public awareness remain significant.

Case Studies on Mekong Country's IP Institutions and Mechanisms

36. The previous assessment of the Mekong IP landscape highlights how, in destinations like Ayutthaya and Hue, we expect more robust institutional support, whereas in places like Bagan and Siem Reap, international and non-governmental organizations may play a more prominent role. Regardless, IP mechanisms are present in each destination. However, overcoming challenges to make IP mechanisms relevant to tourism-MSME products requires

¹⁵ Source: WIPO statistics database (12/2023) downloaded 04/09/2024 <https://www.wipo.int/edocs/statistics-country-profile/en/list/l1.pdf>

¹⁶ Source: WIPO Country Profiles accessed 01/10/2024 <https://www.wipo.int/directory/en/>

evaluating the effectiveness of IP protection mechanisms, such as business registration processes, IP registration assistance, and access to legal services. Another aspect of protecting creative industries is promoting quality and certifications.

37. This section examines five Mekong case studies of successful IP protection and promotion of cultural products that adopt and adapt standardized certification processes to ensure products meet quality benchmarks and gain recognition in international markets.

38. Each case study includes:

- **Background:** The context of the product or service includes its cultural significance and market potential.
- **IP Mechanisms Used:** Explanation of the specific IP tools employed, such as trademarks, geographical indications, or copyrights.
- **Challenges Overcome:** Discuss the challenges faced and how they were addressed through legal, regulatory, or institutional means.
- **Outcomes:** Assessment of the success factors and the impact on the creative industry and cultural heritage preservation.

IP Protection and Promotion of Kampot Pepper from Cambodia¹⁷

39. **Background:** Kampot Pepper, a high-quality spice produced in Cambodia, has significant cultural and historical importance, dating back to the 13th century. Grown in Kampot and Kep provinces, this pepper is renowned for its distinctive flavor, resulting from the region's unique climate and soil conditions. Traditionally, Kampot Pepper was used in local and international cuisine, adding to Cambodia's culinary heritage. Its market potential skyrocketed due to increasing global demand for premium spices and organically grown products.

40. Before its formal geographical indication (GI) registration, Kampot Pepper was primarily sold locally, with limited awareness on the international stage. However, after its domestic GI registration in 2010, the pepper market expanded significantly in volume and value, with about 70% of its production now being exported.

41. **IP Mechanisms Used:** To protect and promote Kampot Pepper, the following IP tools were employed:

- **Geographical Indications (GIs):** Kampot Pepper was first registered as a GI in Cambodia in 2010. This registration emphasized the specific quality, reputation, and characteristics of the pepper linked to its place of origin. In 2021, it became the first geographical indication registered internationally via the Geneva Act of the Lisbon Agreement, granting it protection in over 30 countries. This international registration ensures that only pepper from the designated Kampot region can be marketed under "Kampot Pepper," providing legal protection against counterfeits.
- **Appellations of Origin:** Kampot Pepper benefits from the appellation of origin under the Lisbon System, ensuring a strong link between the product's quality and its geographic origin. The appellation reinforces the product's uniqueness, distinguishing it in the global marketplace.

42. **Challenges Overcome:** Several challenges arose in the process of protecting and promoting Kampot Pepper:

- **Fraud and Counterfeiting:** As Kampot Pepper gained international recognition, the risk of fraud and counterfeit products increased. Imitations and fake versions of the pepper

¹⁷ WIPO, Lisbon Agreement's Geneva Act Receives First Geographical Indication: Kampot Pepper from Cambodia, accessed 04/09/2024 https://www.wipo.int/lisbon/en/news/2021/news_0001.html

emerged, particularly in international markets, threatening the integrity and reputation of the brand. To address this, the international GI registration under the Geneva Act provided legal avenues to enforce protection against fraudulent products in over 30 countries, including the European Union. Local producers safeguarded their product's authenticity using these legal tools to act against counterfeiters.

- **Lack of Initial Market Awareness:** Kampot Pepper was relatively unknown outside of Cambodia before its GI registration. However, geographical indications helped boost consumer awareness and distinguish the product in the international market. Promotional campaigns further enhanced this by emphasizing the pepper's unique qualities and cultural heritage.
- **Limited Producer Capacity and Knowledge of IP Rights:** Initially, many local producers lacked knowledge of the importance of IP rights and how to protect their products. Through training and education programs facilitated by the Cambodian Department of Intellectual Property, local producers became more aware of the benefits of GI registration and how to manage and protect their rights.

43. **Outcomes:** The protection and promotion of Kampot Pepper under the Lisbon System led to remarkable success, both economically and culturally:

- **Economic Impact:** Following its GI registration, Kampot Pepper experienced a significant increase in value and market penetration. The farm-gate price of Kampot Pepper tripled from USD 7.50 pre-registration to USD 22.70 a decade after registration. By 2019, the value of Kampot Pepper production exceeded USD 1 million, a substantial growth from just USD 70,000 in 2009. This increased income has improved the livelihoods of local farmers and contributed to rural economic development.
- **Global Recognition and Brand Reputation:** Kampot Pepper's international GI registration enhanced its visibility in the global market. Consumers from Europe, Asia, and beyond now recognize Kampot Pepper as a premium product linked to its Cambodian origin. This branding has attracted gourmet chefs and spice connoisseurs, further solidifying its reputation as one of the world's finest peppers.
- **Preservation of Cultural Heritage:** The GI status not only boosted Kampot Pepper's economic potential but also ensured the preservation of traditional agricultural practices that have been passed down through generations. The link between the product and its geographic origin serves as a reminder of the region's rich agricultural history, helping to sustain the cultural heritage associated with Kampot Pepper.
- **Increased Market Access and Consumer Trust:** The international protection offered by the Lisbon System allowed Kampot Pepper producers to enter new markets with confidence. The GI status guarantees consumers that they purchase quality Kampot Pepper, which fosters trust and loyalty among global buyers. Additionally, this recognition opens doors for producers to explore new opportunities in high-end and organic markets where origin-linked products are highly valued.

44. In conclusion, the successful IP protection and promotion of Kampot Pepper through geographical indications and the Lisbon System have contributed significantly to the product's economic success and the preservation of its cultural heritage. This case exemplifies how the strategic use of IP tools can safeguard traditional products, promote rural development, and enhance global recognition of culturally significant goods.

Securing Cultural IP Rights for the Oma People of Nanam Village in Lao PDR¹⁸

45. **Background:** The Oma people, an ethnic minority group of approximately 2,800 living in northern Lao PDR, are renowned for their traditional hand-spun, indigo-dyed clothing adorned with vibrant red embroidery and appliqué. These textiles hold deep cultural significance, representing the community's heritage and identity. In April 2019, it was discovered that the Italian fashion brand Max Mara was selling clothing with patterns strikingly similar to those of the Oma people, though mass-produced and printed, not hand-embroidered. This misappropriation of Oma's TCEs brought the issue of cultural IP rights to the forefront.

46. With support from the Traditional Arts and Ethnology Centre (TAEC) in Lao and the Cultural Intellectual Property Rights Initiative® (CIPRI), the Oma sought recognition and control over their traditional designs. This case emphasizes the market potential of authentic cultural products, primarily as global fashion increasingly draws inspiration from Indigenous and ethnic communities. The Oma's fight to control their designs reflects a broader effort to protect cultural heritage from exploitation while unlocking its economic potential.

47. **IP Mechanisms Used:** The Oma people and their advocates employed several innovative intellectual property mechanisms to protect and promote their traditional designs:

- **Copyright Protection:** In 2021, a copyright notification was submitted to the Department of Intellectual Property, Ministry of Commerce and Industry in Lao PDR. This copyright covered the "Oma Traditional Textile Design Database©," which compiles the community's traditional textile designs. The database is a protected collection under Article 2(5) of the Berne Convention for the Protection of Literary and Artistic Works, ensuring legal recognition of the designs as cultural intellectual property.
- **Digital Documentation:** The creation of the Oma Traditional Textile Design Database© allowed the community to document and digitally protect their TK and TCEs. This database contains detailed information on Oma's textiles, motifs, and techniques, which can be accessed under specific conditions, ensuring control over how their designs are used. The database provides a framework for safeguarding the Oma's cultural expressions while allowing potential collaborations under fair conditions.
- **The 3Cs Rule – Consent, Credit, Compensate:** The database operates on the "3Cs Rule," an extra-legal tool developed by CIPRI to guide ethical collaborations between Indigenous communities and third parties. This rule ensures that any use of the Oma's traditional designs is based on Free, Prior, and Informed Consent (FPIC), proper attribution (Credit), and fair compensation (monetary or non-monetary).

48. **Challenges Overcome:** The Oma community faced several challenges in protecting their cultural IP:

- **Lack of Legal Frameworks for Traditional Knowledge Protection:** Like many countries, Lao lacked specific legal tools for protecting TK and TCEs. The legal strategy developed to overcome this was establishing a sui-generis system that would provide unique legal protection for TK and TCEs. This system is tailored to the specific characteristics of the subject matter, ensuring that traditional designs cannot be used without consent or compensation.

¹⁸ Cultural Intellectual Property Rights Initiative, Securing Cultural Intellectual Property Rights For The Oma People Of Nanam Village In Laos accessed 04/09/2024
<https://www.culturalintellectualproperty.com/culturaliprightsfortheoma>

- Limited Resources for Legal Action: Like many indigenous communities, the Oma faced limited access to legal resources and expertise to challenge the misappropriation of their designs. Through partnerships with CIPRI and a Voice Sudden Opportunity Grant, the community was able to secure the resources needed to document their designs and build legal strategies for defending their cultural IP.
- Raising Awareness Among Producers and Consumers: Oma artisans and international fashion companies were unaware of cultural IP rights. TAEC and CIPRI launched educational initiatives, including videos and workshops, to raise awareness about cultural IP issues and advocate for ethical collaboration models between fashion companies and Indigenous communities.

49. **Outcomes:** The efforts to protect and promote the Oma's cultural intellectual property led to several important outcomes:

- Establishment of the Oma Traditional Textile Design Database©: The digital database serves as a model for protecting traditional cultural expressions and knowledge. It allows the Oma to control access to their designs and facilitates ethical collaborations based on FPIC and benefit-sharing mechanisms. The platform empowers the Oma by ensuring that their designs are not misused without their consent and that they receive fair compensation for any commercial use of their patterns.
- Increased Recognition and Control Over Cultural Heritage: The project empowered the Oma to take ownership of their cultural heritage. They now have a formalized way of managing their traditional designs and can discuss and negotiate with external parties on their terms. This has brought international recognition to the Oma people as custodians of valuable cultural knowledge.
- Advocacy for Broader Legal Protection of TK and TCEs in Lao PDR: The development of a sui-generis legal protection system for traditional knowledge and cultural expressions, with the Oma case serving as a pilot, has the potential to set a legal precedent in the ASEAN region. If adopted, it would provide a framework for protecting TK and TCEs from misappropriation, benefiting not just the Oma but other indigenous and ethnic communities.
- Inspiration for Ethical Fashion Collaborations: The Oma case has raised awareness within the global fashion industry by establishing a structured framework for ethical collaborations. The project encourages fashion companies to engage in fair partnerships with indigenous communities, ensuring that cultural designs are used respectfully and that the communities benefit from their commercialization.

50. In conclusion, the Oma people's success in protecting their traditional designs through innovative IP mechanisms highlights the importance of empowering communities to safeguard their cultural heritage. This case demonstrates the potential for creative industries to collaborate ethically with traditional communities and sets a model for broader legal protection of TK and TCEs

IP Protection and Promotion of Traditional Medicine by FAME Pharmaceutical Company¹⁹

¹⁹ WIPO Providing Affordable Traditional Medicine accessed 04/09/2024 https://www.wipo.int/web/ip-advantage/w/stories/providing-affordable-traditional-medicine?p_l_back_url=%2Fweb%2Fip-advantage%2Fsearch%3Fcategory%3D455350%26q%3DMyanmar

51. **Background:** Traditional medicine is a cornerstone of healthcare in Myanmar, especially in rural areas where access to modern medicine is limited due to high costs and availability. Recognizing the importance of this sector, Myanmar's government has taken significant steps to promote traditional medicine as a legitimate and internationally accepted healthcare option.

52. FAME Pharmaceutical Company, established in 1994, leveraged government support and favorable policies to manufacture high-quality, affordable traditional medicines. The company initially served as a distributor for the Myanmar Pharmaceutical Factory but quickly transitioned into manufacturing its traditional products. FAME's flagship product, Fame Pluvimin, a multivitamin made from spirulina, was its first significant success. The company's focus on research and development led to the creation of various traditional medicines targeting diseases such as diabetes, high blood pressure, and malaria, propelling FAME into the forefront of Myanmar's pharmaceutical industry.

53. **IP Mechanisms Used:** FAME utilized several intellectual property (IP) mechanisms to protect its brand and products, ensuring that it could successfully compete in both domestic and international markets:

- **Trademarks:** FAME registered its brand and product names with the Myanmar Office of Trademark Registration (MOTR). The company has over thirty registered trademarks, starting with its first product, Fame Pluvimin. These trademarks provided legal protection against brand infringement and allowed FAME to maintain its market dominance.
- **Trade Dress and Packaging Designs:** To safeguard its product packaging, which is a key element of consumer recognition, FAME registered its packaging designs with MOTR. This helped protect against the common issue of counterfeit packaging. FAME also integrated anti-counterfeiting technology into its packaging, further ensuring the integrity of its products in the market.
- **International IP Protection:** As FAME expanded into international markets, it applied for trademark and design protection in target countries. FAME's in-house IP management group oversees all domestic and international IP applications, ensuring comprehensive protection of the company's intellectual property across borders.

54. **Challenges Overcome:** FAME faced several challenges on its path to success with IP protection.

- **Counterfeiting and Infringement:** As FAME's products gained popularity, they became targets for counterfeiters. Copying of product designs and packaging was rampant, threatening the company's reputation. FAME proactively addressed this by registering its packaging designs and using anti-counterfeiting technologies. This enabled the company to enforce its IP rights effectively and take legal action against infringers.
- **Navigating International IP Systems:** Expanding into international markets required navigating complex IP regulations in different countries. FAME addressed this challenge by establishing an in-house IP management team that handled trademark and design applications in multiple jurisdictions, ensuring comprehensive product protection abroad.
- **Ensuring Product Quality and Credibility:** Traditional medicine is often viewed with skepticism in international markets. To overcome this, FAME invested heavily in R&D to meet international quality standards. The company's efforts were recognized with

WHO Good Manufacturing Practice and ISO certifications, bolstering its credibility and marketability globally.

55. **Outcomes:** FAME's strategic use of IP protection and focus on product quality led to positive outcomes:

- **Economic Success:** FAME has grown into one of Myanmar's largest traditional medicine manufacturers, with an annual turnover of over USD 2 million. Its products are distributed throughout Myanmar and internationally in markets such as Germany, Japan, and Korea. This expansion has been facilitated by the company's strong IP protection strategy, which safeguarded its brand and products.
- **Cultural Heritage Preservation:** By promoting traditional medicine as a viable alternative to modern drugs, FAME has contributed to preserving Myanmar's rich traditional knowledge. The company's R&D efforts, grounded in traditional medicinal practices, ensure that these ancient healing methods are adapted and preserved for future generations.
- **Social Impact:** FAME's products have made traditional medicine more accessible and affordable for Myanmar's population, particularly in rural areas with limited access to healthcare. The company's focus on organic, safe products has provided people with trusted alternatives to expensive imported medicines, improving overall public health.
- **Recognition and Awards:** FAME's innovations and commitment to quality have earned the Golden Asia Award for Excellence and WHO Good Manufacturing Practice certification. These awards underscore the company's success balancing traditional medicine with modern manufacturing practices.

56. In conclusion, FAME's success demonstrates how a well-executed IP strategy, combined with strong R&D and a commitment to quality, can lead to significant economic, social, and cultural benefits. By protecting its intellectual property, FAME has expanded its market, safeguarded its brand, and continued promoting traditional medicine as a crucial part of Myanmar's healthcare system.

IP Protection and Promotion of Traditional Thai Silk and Pottery from Khorat²⁰

57. **Background:** Khorat Province in northeastern Thailand is renowned for its rich cultural heritage, particularly in producing traditional Thai silk and pottery. These crafts are a testament to the region's artistic legacy and serve as vital economic activities for local communities. Traditional Thai silk from Khorat, known for its intricate patterns and vibrant colors, is deeply rooted in the cultural practices of the region, often used in ceremonies and as a symbol of status and tradition. Khorat pottery, characterized by its unique designs and high quality, reflects the ingenuity and craftsmanship passed down through generations.

58. Both products have significant market potential, not only within Thailand but also in international markets. The growing global interest in authentic, handmade, and culturally significant products has created new opportunities for Khorat artisans to reach wider audiences and command premium prices for their work.

59. **IP Mechanisms Used:** To protect and promote these culturally significant products, several IP mechanisms were employed:

²⁰ WIPO Traditional Thai Silk and Pottery from Khorat accessed 04/09/2024 <https://www.wipo.int/web/ip-advantage/w/stories/traditional-thai-silk-and-pottery-from-khorat>

- **Geographical Indications:** GIs were a pivotal strategy in protecting the authenticity of Khorat silk and pottery. GIs were registered to ensure that only products genuinely originating from Khorat could use the designated names, thus preserving the reputation and cultural significance of these crafts. This also helped distinguish Khorat products from imitations in the market.
- **Trademarks:** Trademarks were utilized to create a strong brand identity for Khorat silk and pottery. This branding helped enhance the visibility of these products in domestic and international markets. The use of trademarks ensured that consumers could easily identify and trust the quality and origin of the products.
- **Design Rights:** Design rights were employed for Khorat pottery to protect the unique patterns and forms created by local artisans. This IP mechanism was essential in preventing the unauthorized reproduction of these designs, thus safeguarding the TK and TCEs embedded in the pottery.

60. **Challenges Overcome:** The journey to achieving successful IP protection for Khorat silk and pottery had challenges.

- One of the primary issues was the initial lack of awareness and understanding of IP rights among local artisans. Many artisans were unfamiliar with the concept of IP and the benefits it could bring to their crafts, leading to reluctance to engage with the IP registration processes. Extensive capacity-building programs were implemented to address this, focusing on educating artisans about the importance of IP protection and guiding them through the registration procedures. These programs were instrumental in building the confidence of local artisans to protect their work through IP mechanisms.
- Another challenge was the enforcement of IP rights. Given the high value of Khorat silk and pottery, there was a significant risk of counterfeiting and misuse of the geographical indications and trademarks. In collaboration with national IP offices, the local authorities established monitoring and enforcement mechanisms to protect the IP rights of Khorat artisans. Regular market inspections and legal actions against counterfeiters were crucial in maintaining the integrity of IP protection.

61. **Outcomes:** The successful implementation of IP protection for Khorat silk and pottery led to several positive outcomes:

- **Economic Empowerment:** Protecting these crafts through GIs, trademarks, and design rights enhanced their marketability, increasing sales and higher incomes for local artisans. The recognition of these products in international markets further boosted their economic value, providing a sustainable livelihood source for many Khorat families.
- **Cultural Heritage Preservation:** IP mechanisms helped preserve the traditional knowledge and cultural practices associated with Khorat silk and pottery. By protecting these crafts through GIs and design rights, the cultural heritage of Khorat was safeguarded from exploitation and misuse, ensuring that these traditions could be passed down to future generations.
- **Strengthened Brand Identity:** The development of trademarks for Khorat silk and pottery contributed to building a distinct brand identity for these products. This branding increased consumer confidence and contributed to the global recognition of Khorat as a center of traditional Thai craftsmanship.

- **Increased Investment and Innovation:** The protection of IP rights encouraged investment in the local crafts industry, leading to innovations in production techniques and the development of new product lines. This, in turn, attracted more tourists to Khorat, eager to experience and purchase authentic Thai silk and pottery, further contributing to the region's economic growth.

62. In conclusion, the strategic use of IP protection mechanisms was crucial in successfully promoting and preserving Khorat traditional silk and pottery. These efforts enhanced local artisans' economic prospects and ensured the longevity and global appreciation of Khorat's rich cultural heritage.

IP Protection and Promotion of Edible Bird's Nest and Palmyra Nectar in Vietnam²¹

63. **Background:** Vietnam is home to diverse cultural products deeply rooted in its history and traditions. Two such products, the Edible Bird's Nest and Palmyra Nectar, hold significant cultural and economic value. The Edible Bird's Nest, often called the "Caviar of the East," is a delicacy made from the nests of swiftlets, rich in nutrients and believed to have various health benefits. This product has been consumed in Vietnam for centuries, particularly by the elite, and is now a high-value commodity in both domestic and international markets.

64. Palmyra Nectar, extracted from the Palmyra palm, is another traditional product with deep cultural roots in rural Vietnam. The nectar is a natural sweetener and plays a significant role in local rituals and festivities. Both products have substantial market potential, with increasing demand from health-conscious consumers and the global rise in the popularity of natural and organic products.

65. **IP Mechanisms Used:** To protect and promote these culturally significant products, specific Intellectual Property (IP) mechanisms were employed:

- **Geographical Indications (GIs):** GIs were critical in ensuring the product's authenticity for the edible bird's nest. GIs were employed to certify that the bird's nests originated from specific regions in Vietnam known for their high quality. This not only provided a competitive advantage in the market but also helped preserve the product's reputation and cultural significance.
- **Trademarks:** Trademarks were used to brand the Edible Bird's Nest and Palmyra Nectar. These trademarks helped distinguish the products in the market and build consumer trust by guaranteeing quality. For instance, the logos and brand names associated with these products became synonymous with their geographical origins and cultural heritage.
- **Certification Marks:** Certification marks ensured the products met certain quality standards. For Palmyra Nectar, this was particularly important in maintaining the product's natural and organic attributes, which are key selling points in the market.

66. **Challenges Overcome:** Protecting and promoting these products was challenging.

- One major challenge was the lack of awareness and understanding of IP rights among producers and local communities. Many small-scale producers were initially skeptical about the benefits of IP protection and feared the complexity of the legal processes involved.

²¹ WIPO, Edible Bird's Nest and Palmyra Nectar – Vietnam's Delicacies accessed 04/09/2024 <https://www.wipo.int/web/ip-advantage/w/stories/edible-bird-s-nest-and-palmyra-nectar-vietnam-s-delicacies>

To address this, extensive awareness campaigns and training programs were conducted to educate local producers about the importance of IP protection. These programs were crucial in building trust and encouraging local communities to participate in the registration and certification processes.

- Another challenge was the enforcement of IP rights. Given the high market value of these products, there was a significant risk of counterfeiting and misuse of geographical indications. A robust monitoring system was established to combat this, involving government agencies and local stakeholders. Regular inspections and legal actions against counterfeiters were critical in maintaining the integrity of the IP protection mechanisms.

67. **Outcomes:** The successful implementation of IP protection mechanisms for the Edible Bird's Nest and Palmyra Nectar led to several positive outcomes:

- **Economic Growth:** GIs and trademarks enhanced the marketability of these products, leading to increased sales and higher incomes for local producers. The protection of these products also attracted investment in the regions known for producing these delicacies, contributing to the overall economic development of these areas.
- **Cultural Heritage Preservation:** By linking these products to their geographical origins and cultural practices, the IP protection mechanisms helped preserve the traditional knowledge and cultural heritage. This safeguarded these practices for future generations and promoted them globally, increasing international recognition of Vietnam's rich cultural diversity.
- **Enhanced Consumer Confidence:** Using certification marks and enforcing IP rights improved consumer confidence in the authenticity and quality of these products. This was particularly important in the international markets, where consumers increasingly demand transparency and ethical sourcing in the products they purchase.

68. In conclusion, the strategic use of IP protection mechanisms played a crucial role in successfully promoting and preserving Vietnam's Edible Bird's Nest and Palmyra Nectar. These efforts not only boosted the local economy but also ensured that the cultural significance of these products was recognized and celebrated worldwide.

Case Study Summary

69. The Mekong case studies highlight the common challenges producers and artisans face in protecting TK and TCEs through IP mechanisms. Across various sectors, including Kampot Pepper, Khorat Silk, and FAME Pharmaceuticals, recurrent issues such as counterfeiting, lack of awareness about IP rights, and weak legal frameworks emerged as significant obstacles. Producers, mainly small-scale and from small communities, struggled with limited resources and skepticism regarding the benefits of IP protection. Despite these challenges, the case studies identified successful mechanisms, including GIs, trademarks, capacity-building initiatives, and international IP protection, instrumental in overcoming barriers. These challenges and mechanisms to overcome them detail the critical role of tailored IP tools, education, and collaboration in safeguarding cultural heritage and promoting the economic potential of traditional products.

Common Challenges Identified Across the Case Studies

70. **Counterfeiting and Fraud:** One of the most recurrent challenges is counterfeiting. Products such as Kampot Pepper, Khorat silk, and FAME pharmaceuticals faced threats from

imitation and counterfeit products, especially as global recognition increased. Counterfeiting undermines the authenticity and value of traditional products and threatens the livelihoods of producers.

71. **Lack of Awareness and Knowledge of IP Rights:** Local artisans, producers, and communities lacked awareness and understanding of IP rights and their benefits. This was particularly evident in the cases of Khorat artisans and the Oma people, where reluctance to engage in the IP registration process was due to unfamiliarity with IP mechanisms.

72. **Weak Legal Frameworks for Protecting TK and TCEs:** In countries like Laos and Myanmar, the lack of robust legal frameworks to protect TK and TCEs made it difficult for communities like the Oma people to secure control over their cultural heritage. These communities had to rely on *sui-generis* systems or external assistance to create protection mechanisms tailored to their needs.

73. **Enforcement Issues:** Even when IP mechanisms were successfully implemented, enforcing rights posed a challenge. In the cases of Kampot Pepper and Vietnamese edible bird's nests, robust monitoring systems and legal actions were necessary to protect geographical indications and trademarks from misuse and counterfeiting.

74. **Skepticism and Limited Resources for Legal Action:** Small-scale and rural community producers faced resource constraints and skepticism about the value of IP protection. This was evident in the case of the Oma people and Khorat producers, where there were initial doubts about the benefits of engaging with IP systems.

Mechanisms to Overcome Challenges

75. **Geographical Indications (GIs) and Trademarks:** GIs were a pivotal tool in several case studies, including Kampot Pepper, Khorat silk, and Vietnamese bird's nests. They provided a way to certify the origin of products and ensure that only those from designated regions could use specific names, helping to maintain authenticity and protect against counterfeiting.

76. **Capacity-Building and Education:** Extensive training programs were implemented in cases like Khorat and the Oma people to raise awareness about IP rights and the benefits of protecting traditional products. These programs increased confidence among local producers and helped them navigate IP registration processes.

77. **International IP Protection:** International IP protection was critical in expanding market access and enforcing IP rights globally for products like Kampot Pepper and FAME pharmaceuticals. The Lisbon Agreement and international trademark registrations played a significant role in securing these products' international recognition.

78. **Sui-generis Systems and Ethical Collaboration Frameworks:** For the Oma people, creating a *sui-generis* system tailored to the specific characteristics of traditional cultural expressions provided unique legal protection. The 3Cs Rule, consent, credit, and compensate, guided ethical collaborations between Indigenous communities and external parties, ensuring benefit-sharing and respect for cultural heritage. It is also important to note the role of government and non-governmental organizations in the Cambodia, Lao PDR, and Thailand cases.

79. **Anti-counterfeiting Technologies and Monitoring Systems:** FAME Pharmaceutical's use of packaging registration and anti-counterfeiting technology and Khorat Silk and Pottery's monitoring systems helped address the challenge of counterfeiting. Regular market inspections and legal actions against counterfeiters were essential to maintaining the integrity of IP protection.

80. Supporting agencies: Government, NGO and craft association collaboration is essential in protecting IP. In Cambodia, government support to register Kampot Pepper under geographical indication (GI) was complemented by capacity-building programs that enhanced producers' understanding of IP rights, helping them protect authenticity and access international markets. In Lao PDR, local and international partnerships fostered a sui-generis IP system to protect TK, empowering the Oma to safeguard their cultural expressions through ethical frameworks ensuring fair use. In Thailand, government cooperation with local organizations supported GI and trademark registration for products like Khorat silk, raising IP awareness and implementing anti-counterfeiting measures. These alliances strengthened IP systems, bridged enforcement gaps, and promoted sustainable cultural preservation.

81. The above description of mechanisms demonstrates the importance of utilizing tailored IP tools, enhancing community capacity, and fostering collaboration to overcome common challenges in protecting traditional knowledge and promoting cultural heritage.

Recommendations

82. The Mekong Institute serves as a regional learning center dedicated to the sustainable development of the Mekong countries. The Institute can play a vital role in advancing IP protection for TK and TCEs through its leadership and advocacy efforts. By promoting institutional coordination, knowledge sharing, and harmonized IP standards, the MI can assist these countries in coordinating and sharing best practices related to IP frameworks. This collaboration aims to enhance IP services, improve quality standards, and build capacity to align with global IP standards. Therefore, the following recommendations are provided to protect and promote the region's rich cultural heritage.

83. **Strengthen Sui Generis IP Mechanisms for TK and TCEs:** Mekong countries should develop or enhance IP mechanisms tailored to safeguard TK and TCEs to provide comprehensive IP protection. This includes creating sui generis systems by adapting existing IP laws to recognize and protect the unique characteristics of TK and TCEs. Such frameworks should ensure that TK and TCEs are recognized as valuable cultural assets protected from unauthorized use and exploitation. These frameworks should prioritize Free, Prior, and Informed Consent (FPIC) and ensure that any use of TK and TCEs includes appropriate community credit and compensation. Such frameworks foster trust, promote equitable partnerships, and protect the rights and interests of cultural heritage artisans.

84. **Enhance IP Awareness and Capacity Building:** It is crucial to improve IP awareness and capacity for stakeholders, including artisans, small enterprises, and craft associations. National IP offices, in collaboration with NGOs and associations, should improve and extend programs that raise awareness of IP rights and build capacity to navigate IP systems. Training should focus on the practical benefits of IP protection, covering registration and enforcement processes, with specific attention to rural and marginalized communities that may lack access to resources.

85. **Facilitate Regional Collaboration for Harmonized Standards:** Given the cross-border nature of TK and TCEs in the Mekong region, harmonized IP standards are needed to enable cooperative protection and address IP challenges effectively. Regional agreements, such as ASEAN IP frameworks, can help streamline processes, reduce disparities, and prevent the unauthorized use of TK and TCEs across borders. MI's initiatives to establish a regional database of protected TK and TCEs can be utilized to promote knowledge exchange and harmonize guidelines.

86. **Implement Documentation and Digital Preservation Initiatives:** Proper documentation of TK and TCEs is essential for IP protection and cultural preservation. Mekong

countries should support projects that systematically document TK and TCEs, ensuring this knowledge is preserved and accessible under agreed terms. Documentation efforts should respect customary laws, ensure community consent, and prioritize local control over how the information is used and shared, particularly in digital formats. Expanding and utilizing MI's baseline assessment and artisan documentation is recommended.

87. Increase Enforcement Mechanisms and Anti-Counterfeiting Measures: Strengthening enforcement is critical for adequate IP protection in the Mekong region. Governments should improve law enforcement training, establish channels for reporting infringement, and collaborate with international IP bodies for cross-border enforcement. Cultural industries must also be proactive in protecting IP. Individual artisans cannot do this effectively, so building the capacity of craft and industry associations and NGOs on IP protection, documentation, and enforcement is recommended.

Conclusion

88. In conclusion, the assessment study of the IP landscape across five World Heritage sites in the Mekong region reveals strengths and weaknesses in current IP frameworks for supporting and safeguarding cultural heritage. Among the strengths is that all Mekong countries are WIPO members and have signed global IP agreements. All have IP mechanisms, and government agencies are empowered to administer them. Further, Thailand and Vietnam stand out with relatively advanced IP systems, including established legal frameworks, higher public awareness, and some enforcement mechanisms. These systems have enabled local cultural industries to leverage IP tools, such as geographical indications and trademarks, for international market recognition.

89. Weaknesses, though, are also present. Cambodia, Lao PDR, and Myanmar face significant challenges due to nascent IP frameworks and limited institutional resources. Further, enforcement remains inconsistent, and low levels of IP literacy among local artisans and small businesses create gaps in protecting TK and TCEs. Across the region, counterfeiting, inadequate documentation of TK and TCEs, and a lack of cohesive sui generis IP mechanism expose creative works to misuse and limit the potential economic benefits for local communities. These weaknesses highlight a pressing need for capacity-building, more robust enforcement measures, and regional cooperation to protect and promote cultural heritage effectively.

90. This assessment envisions a more robust, supportive, and inclusive IP framework for the Mekong region to empower cultural industries, respect the rights of local communities, and protect tangible and intangible cultural heritage assets. Achieving this vision requires a multi-pronged approach: strengthening legal frameworks, enhancing enforcement, improving IP accessibility for small enterprises, and fostering regional collaboration to harmonize standards. The Mekong Institute can play a pivotal role by advocating for training, facilitating knowledge-sharing, and advocating for ethical frameworks that ensure fair use and benefit-sharing. Such a framework will preserve the Mekong region's cultural heritage and enable its creative industries to thrive in an increasingly globalized economy, providing sustainable economic opportunities for future generations.

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