

Research grant for study of Aboriginal arts & copyright

A University of Queensland researcher is investigating reforms aimed at protecting intellectual property rights of Aboriginal people in traditional artistic works.

Dr Kamal Puri, an associate professor of law and Deputy Dean of the TC Berine School of Law, has been awarded a \$45,000 Australian Research Council grant to undertake the research over the next two years.

Dr Puri's research will concentrate on intellectual property aspects of folklore. He said protection under the present copyright regime was limited in time, and since a good deal of folklore was ancient, it would not qualify for protection.

He proposes to analyse these types of hurdles to make practical suggestions for reform likely to lead to economic and social benefits for Australia.

Dr Puri said the concept of Aboriginal intellectual property rights was gaining momentum at national and international levels because of commercial exploitation of the artistic works of indigenous people.

"One example can be found in the recent copyright case of *Bulun Bulun v Nejlam*

Pty Ltd in the Federal Court of Darwin, later settled out of court by payment of a large sum," Dr Puri said.

"This case involved one of the best known bark painters in northern Australia and a T-shirt manufacturer who reproduced one of the artist's paintings, *At the Waterhole*, without his permission.

"Furthermore, the T-shirt carried a label, marked *The Aboriginals*, and a swing ticket giving a description of the artistic work.

"The manufacturer and shops gave undertakings that they would not manufacture or sell any product featuring that painting."

High Court

Dr Puri said litigation had been looming in the High Court of Australia for some time over the alleged reproduction of the artistic work of Northern Territory artist Terry Yumbulul on the ten dollar note.

"The Federal Government issued 17 million of these commemorative notes and Yumbulul asked for their recall or damages amounting to \$170 million, their face value.

"This year-long saga was recently reported in the media to have ended in an out of court settlement with the Reserve Bank paying \$10,000 to the artist, Yumbulul, for the use of his artefact, *the Morning Star Pole*."

Dr Puri said folklore was a window to a community's cultural and social identity, its standards and values.

"I believe the Australian community should be made aware of the fact that folklore is an integral part of our heritage and that there is an urgent need to identify, preserve and protect folklore from the risks of its being forgotten, distorted, impaired, caricatured or pillaged," Dr Puri said.

"The unauthorised reproduction of artworks is a very sensitive issue in all indigenous communities as artworks and the recitation of folklore play a significant role in their ceremonies and customs."

Dr Puri, who has conducted pilot studies of the New Zealand Maori peoples' rights in their folklore, has published extensively in the area of copyright law and folklore protection.

His research has resulted in five books and more than 20 articles.

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