Role of Intellectual Property Rights in Promoting Ecotourism in Sri Lanka

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Abstract

Tourism sector in Sri Lanka is the third largest foreign exchange earner to the country which recorded nearly 1.5 mil. tourist arrivals in 2014, whereas Asia appeared as the main tourism source followed by Western Europe. Employment generation both direct and indirect through the tourism sector is quite significant, where it directly provide nearly 130,000 employment opportunities every year. According to the World Tourism Organization, ecotourism is recorded as the highest growing market in the tourism industry with an annual growth rate of 5 per cent worldwide. Nearly 3 percent of international tourist visits to Sri Lanka comprises of eco tourists, making ecotourism an emerging market in the country. Sri Lanka has notable ecotourism resources and the government institutes are responsible in promoting ecotourism. The Intellectual Property Rights (IPRs) which includes patents, trademarks, sui generis system, geographical indications, industrial designs, traditional knowledge etc. are some of the important IPRs in developing and promoting ecotourism. Although Sri Lanka passed its IPR Act in 2003, thus far IPRs are not widely used in Sri Lankan tourism sector including ecotourism. The overall objective of this paper is to identify strategies to promote ecotourism by strengthening IPRs in Sri Lanka. The specific objectives are to; identify types of IPRs that Sri Lankan ecotourism is currently using, evaluate present IPR system in tourism more particularly in ecotourism, identify international best practices in using IPRs to promote ecotourism and propose suitable strategies for proper use of IPRs in promoting ecotourism. The methodology of the study consists of a comprehensive literature survey, country case studies and in-depth interviews with main stakeholders. The findings highlighted the importance of disseminating knowledge on the importance of IPRs and the use of IPRs in protecting biodiversity, culture, traditional knowledge etc. in ecotourism to the grass root levels. It is important to provide a platform for stakeholders to discuss matters and to provide feasible strategies in protecting biodiversity, culture and traditional knowledge while promoting ecotourism. Further, it is essential to establish a separate unit to monitor and to provide adequate information and support in exploiting IPRs in ecotourism.

Keywords: ecotourism, suigeneris system, geographical indication, traditional knowledge, trademarks

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1. Introduction

Tourism sector in Sri Lanka is an important sector in many aspects. Being the third largest foreign exchange earner to the country it contributes a substantial percentage to the Gross Domestic Product (GDP) of the country. Tourist arrivals in Sri Lanka has tremendously increased after the eradication of the civil war in the year 2009. This is mainly due to the significant increase in investments in tourism, development in infrastructural sector, especially roads and expressways, and also introduction of new tourist attractions and promotional campaigns such as promoting eco-tourism, cultural and health tourism etc. The greater number of tourist arrivals come from Western Europe followed by Asian region. From a country perspective, India is the leading country of tourist arrivals followed by UK. China, Germany and Maldives. Nearly 68 percent of tourists visited Sri Lanka for holiday purposes whereas the balance comprised of 1.9 % business visitsand 30 % other purposes such as visiting friends and relatives, health, education etc. (Annual Report, Central Bank of Sri Lanka, 2015).

Table 1: Types of tourism

Category	Definition
Adventure tourism	A form of nature-based tourism which includes an element of risk, higher levels of physical exertion etc.
Ecotourism	Responsible travel to natural areas that conserves the environment and improves the welfare of local people
Geotourism	Tourism that sustains or enhances the geographical character of a place
Mass tourism	Large scale tourism which is associated with sea, sand, sun resorts
Nature- based tourism	Any form of tourism that relies on the natural environment for its attractions or settings
Pro-poor tourism	Tourism that results in increased net benefit for the poor people
Responsible tourism	Tourism that maximizes the benefits to local communities, minimizes negative impacts on the environment and society.
Sustainable tourism	Tourism that meets the needs of the present tourist and protect the opportunities of the future tourists

Source: Global Ecotourism Fact Sheet (2006), TIES

The purposes and the attitudes of tourists have gradually changed, whereas more preference is shown towards natural, cultural and social interactions. The concept of Ecotourism emerged with the collaboration of cultural, rural, nature tourism, and its related activities as a niche market (Silva, 2004). The concept of ecotourism was firstly

introduced in 1983 by the Mexican environmentalist, architect *Hector Ceballos-Lascurain* . However, the definition of ecotourism was changed overtime and presently The International Ecotourism Society (TIES) define ecotourism as
"responsible travel to natural areas that conserves the environment, sustains the well-being of the local people, and involves interpretation and education" of both staff and guests (The International Ecotourism Society, 2006).

In early 1990s ecotourism has been growing 20-34 percent per year. According to the TIES fact sheet in 2004, ecotourism was growing globally 3 times faster than the tourism industry as a whole. In addition, nearly 90 percent of the British tourists consider active protection of the environment and support of local communities to be part of a hotel's responsibility. In Germany, nearly 65 percent of travelers expect environmental quality and trying to get environmental friendly accommodation. Furthermore, nearly 53 percent of American travelers prefer to experience and associate local customs and culture of the country visited. Since most of the tourist arrivals in Sri Lanka are from Western Europe there is greater potential to develop ecotourism in the country. Sri Lanka's rich cultural and natural diversity has the potential to develop the eco-tourism concept better than other destinations for the benefit of the Sri Lankan economy and community (SLEF, 2001). Ecotourism is potentially the fastest growing segment in the international market and it holds great potential for Sri Lanka as a means of conserving biological diversity and promoting the sustainable use of bio diversity. Many hoteliers tend to practice the concept as a novel market oriented concept.

However, at present Sri Lanka performs far below its potential in ecotourism (Wickremasinghe, 2013). Very limited efforts have been taken to address the issues in relation to developing ecotourism in Sri Lanka. Moreover, there is no such research to assess intellectual property rights in enhancing the tourism sector in Sri Lanka especially in ecotourism.

Several types of Intellectual Property Rights (IPRs) are important in terms of tourism. Trademarks, copyrights, patents, geographical indication, traditional knowledge are some of the commonly used IPRs in the sector. Especially, trademarks[2] are essential in the

[2] A mark- trademark or service mark- is a visible sign that is capable of distinguishing the goods or services of different enterprises. A trademark relates to goods whereas a service mark relates to services. In addition, there are two more kind of marks – certification marks and collective marks. A certification mark is a mark which meets a defined standard of the goods or services as certified by the owner of the mark who licenses others to use it. A collective mark is a mark

service sector to distinguish one enterprise from the other. Geographical Indication[3] (GI) is important to the tourism sector and for agricultural products especially for ecotourism. When a particular ecotourism sector or a sub-sector is selected such as bird watching, culture tourism, forest ecotourism it could be developed with the proper protection of GIs. Traditional knowledge of village people will also be very important in terms of ecotourism. Copy rights are also important in the events of protecting any promotional materials. Thus, protecting these IPRs and taking measures to strengthening those will provide an incentive to the private and government investors to promote tourism in the country inclusiveof ecotourism.

Therefore, the overreaching objective of this study is to identify how Sri Lanka could increase its tourism especially ecotourism by enhancing tourism related IPRs. There is very limited literature available on the subject in Sri Lanka and also Sri Lanka has made a request to World Intellectual Property Rights (WIPO) under Development and Intellectual Property (CDIP) project[4] to implement IPRs on tourism sector in Sri Lanka in the future. Therefore, this piece of study will provide substantial inputs to the existing literature with regards to the IPR and shed light to overcome the identified issues in enhancing tourism sector especially ecotourism.

The outline of the paper would be as follows; Section One of the paper provides a brief introduction to the subject. Section Two will broadly discuss the tourism sector in Sri Lanka. Further, it also provides a short introduction to eco-tourism in Sri Lanka. Section Three of the paper will explain the most prominent IPRs which are relevant to the tourism sector. While Section Four of the paper will briefly give an understanding on Sri Lankan intellectual property rights system and what type of IPRs currently we are using in the tourism sector. Finally, the section Five will provide some policy options and recommendations to enhance tourism sector in Sri Lanka particularly ecotourism sector by strengthening IPRs.

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serving to distinguish the origin or any other common characteristic of goods or services of different enterprises which use the Mark under the control of the registered owner.

[3] A geographical indication is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin

[4] The project seeks to analyse, support and promote awareness of the role of the IP system in tourism-related economic activity. This includes the promotion of national and/or local knowledge, traditions, and culture, according to the document

2. Tourism sector in Sri Lanka

Tourist arrivals in Sri Lanka has tremendously increased after 2009. The year 2009 is an important year in several aspects of the economy, where the government defeated the terrorism. After the end of civil war the number of tourist arrivals increased rapidly. In 2011 tourist arrivals has further marked an upward trend. This could mainly be due to the increase in promotional activities and introduction of new air routes with selected countries. Further, improvements in several infrastructural facilities have also contributed to the increase tourist arrivals.

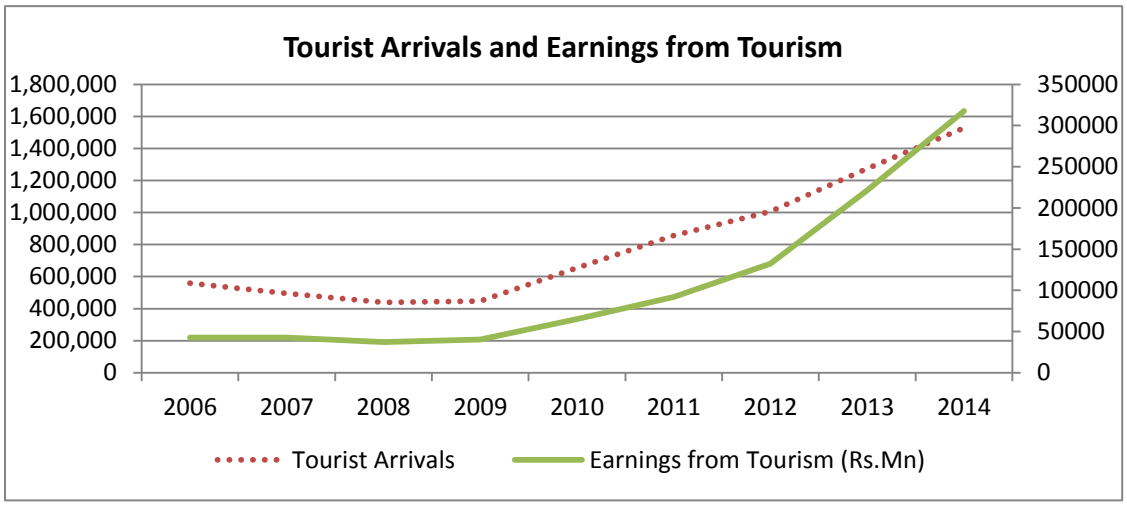

Figure 1: Tourist Arrivals and Earnings from 2006-2014

Source: Annual Report, Central Bank of Sri Lanka-2014

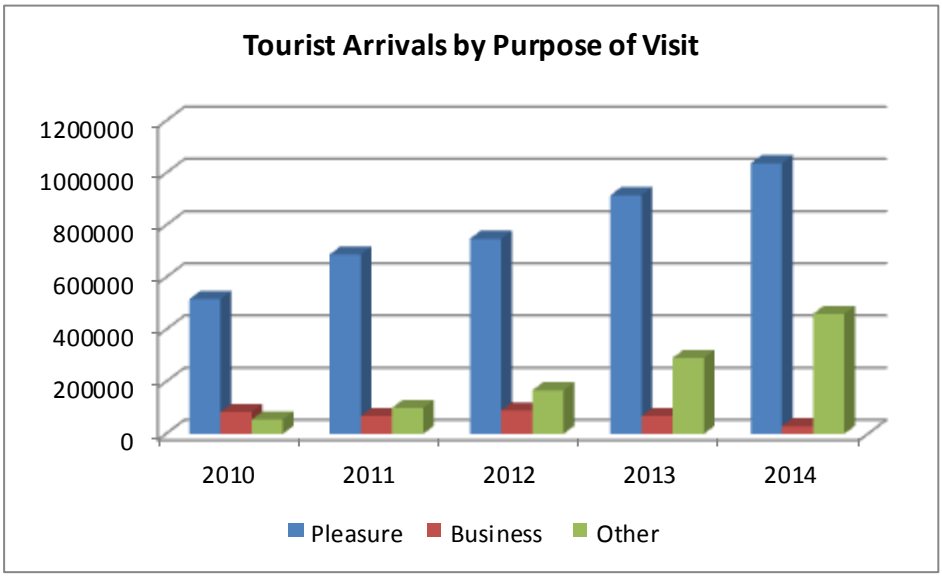

Figure 2 : Tourist Arrivals by the Purpose of their Visit

Source: Annual Report, Central Bank of Sri Lanka-2014

Figure 2 explains the purpose of tourists visits from 2010-2014. A highest number of visits are for the purpose of pleasure. Nearly, 68 percent of the visits are for pleasure / holiday followed by other purposes mainly for visiting relatives and friends (which is nearly 30 percent). The highest proportion of visitors in the Pleasure/holiday category were from India (15%) followed by China (11%) and UK (9.1%).

According to the Figure 3, a highest number of tourist visits are from India in all purposes. This is followed by UK, China and Germany. As explained in the introduction, according to the TIES fact sheet most of the German visits are more towards for ecotourism.

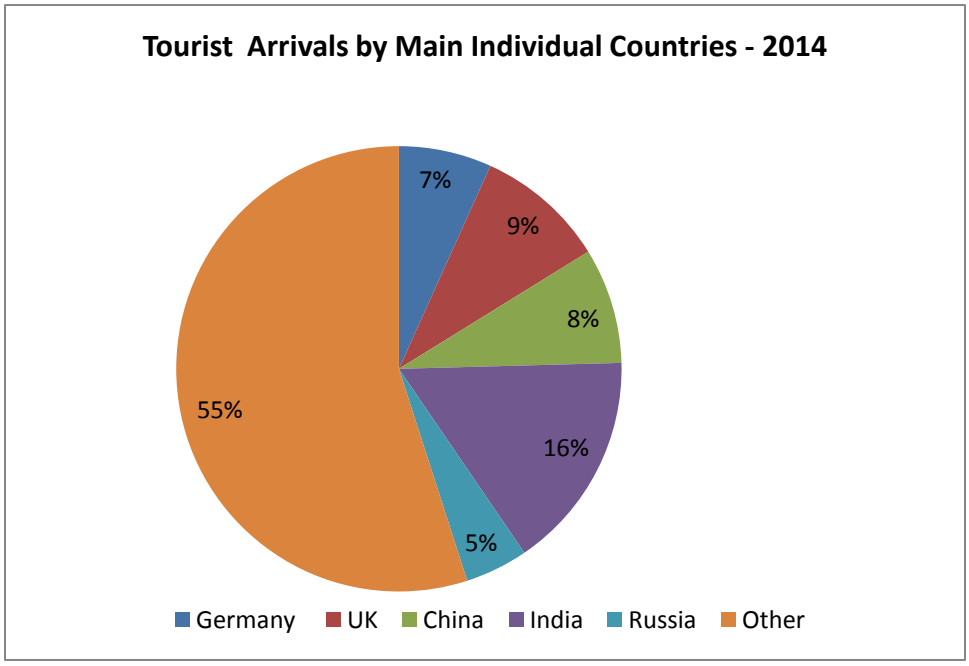

Figure 3 : Tourist Arrivals by Main Individual Countries - 2014

Source: Annual Report, Central Bank of Sri Lanka-2014

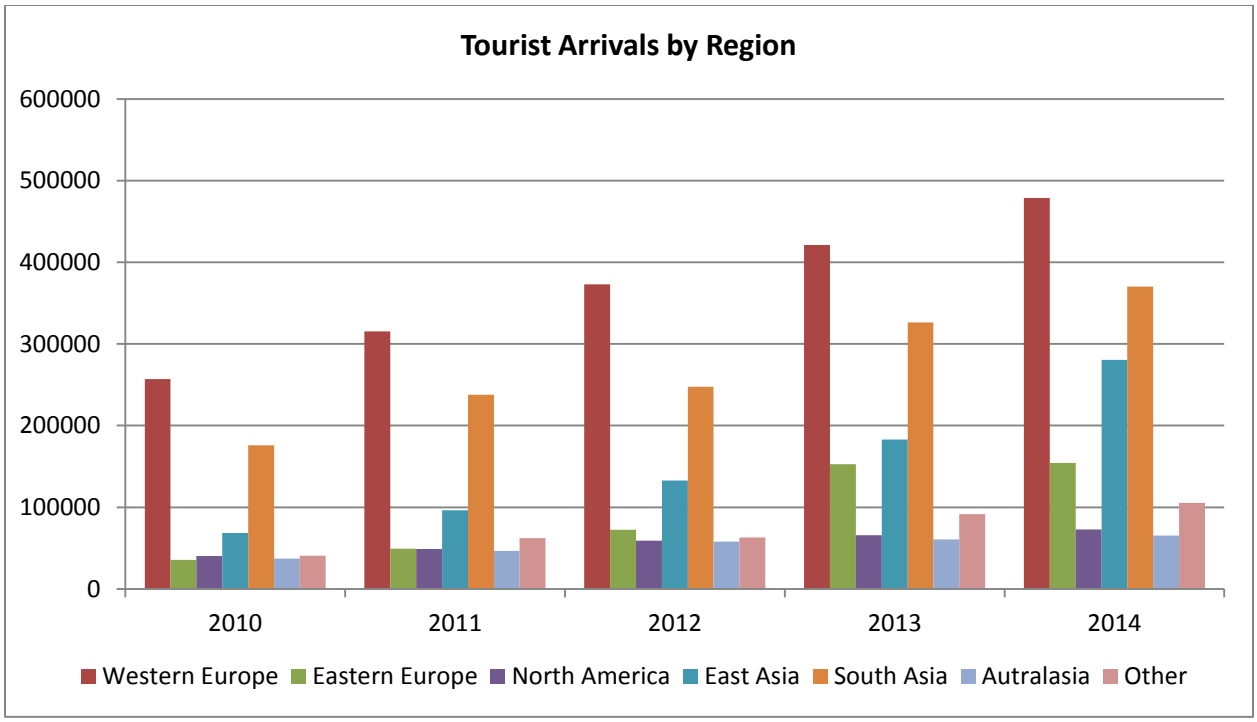

Figure 4 : Tourist Arrivals by Region from 2010-2014

Source: Annual Report, Central Bank of Sri Lanka-2014

Figure 4 explains that the Western Europe remain as the main source of tourist arrivals for Sri Lanka. Nearly 30 percent of the tourists are coming from Western Europe. Tourist arrivals from South Asia is gradually increasing, it has recorded a 13 percent of increase in tourist arrivals when compared to 2013. Furthermore, it is noteworthy that all the market sources show a significant growth of their arrivals.

Tourism is an important segment in the Sri Lankan economy in many aspects. It is the third largest foreign exchange earner to the country. In 2014, it is only coming after the foreign income generation from worker remittances and garments and textile. It contributed nearly 10 percent of the total foreign exchange to the country where as worker remittances provided 29 percent and garment and textile provided 21 percent in 2014. Moreover, the sector contributed nearly 4 percent to the Gross Domestic Product (GDP) of the country.

In addition, tourism sector is also vital in generating employment in terms of both direct and indirect. Figure 5 explains the importance of tourism sector in generating employment since 2010. 2014 recorded a 15 percent growth in employment generation compared to the previous year. According to the Annual Statistical Report (ASR) of the

Sri Lanka Tourism Development Authority (SLTDA) the sector creates one job for every 5 arrivals. Due to the use of new technology in tourism establishments, this ratio has increased from one job for every four arrivals compared with the previous year.

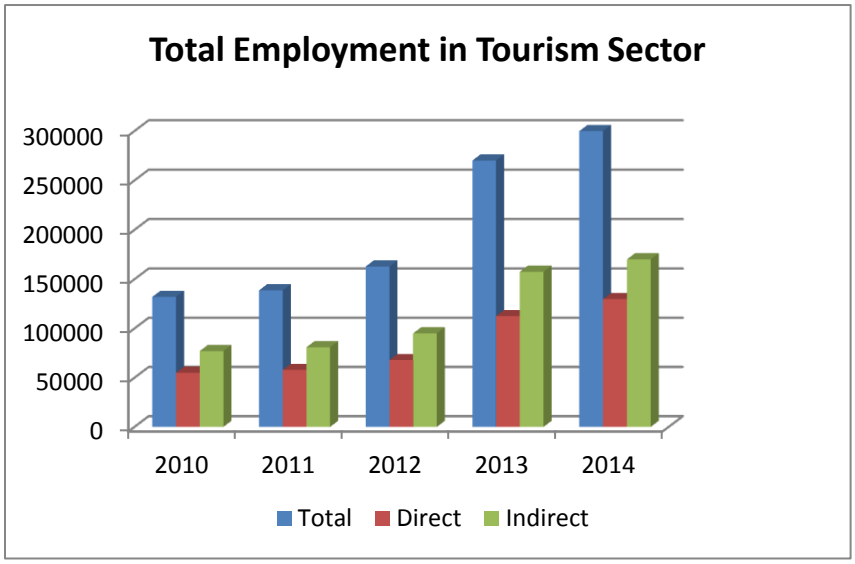

Figure 5 : Total Employment in Tourism Sector

Source: Annual Report, Central Bank of Sri Lanka-2014

Furthermore, according to the Travel and Tourism Competitiveness index which is prepared by the World Economic Forum Sri Lankan rank has improved significantly. According to the 2015 Travel and Tourism Competitiveness Report (TTCR) Sri Lanka was ranked as 63 out of 144 countries. It is an improvement of the ranking from 78 in 2009. However, according to the environmental sustainability indicator , which covers, stringency of environmental regulations, enforcement of environmental regulations, sustainability of travel and tourism developments, number of environmental treaty ratifications etc. which does not provide a good picture, where it marked as 103rd place out of 144 in 2015. In addition, according to the Lonely Planet rankings in 2013, Sri Lanka was top in the list.

2.1 Eco tourism in Sri Lanka

This is a newly developed area in Sri Lankan tourism sector. According to the TIES fact sheet 2006, 20 to 30 per cent of travelers are aware of the needs and values of sustainable tourism and nearly 10 to 20 per cent of the travelers are looking forgreenoptions. Therefore, future developments in sustainable tourism, including ecotourism in Sri Lanka would be able to attract more nature-concerned tourists from this region of the world, if Sri Lanka is correctly positioned as an ecotourism destination (Wickremasinghe, 2012).

Ecotourism can be defined in many ways. It is a stimulating niche market which includes discovering and understanding spectacular fauna, flora and cultural sites; a holiday in the educational periphery combined with conservation and wellbeing of the local community. Perera (2004)

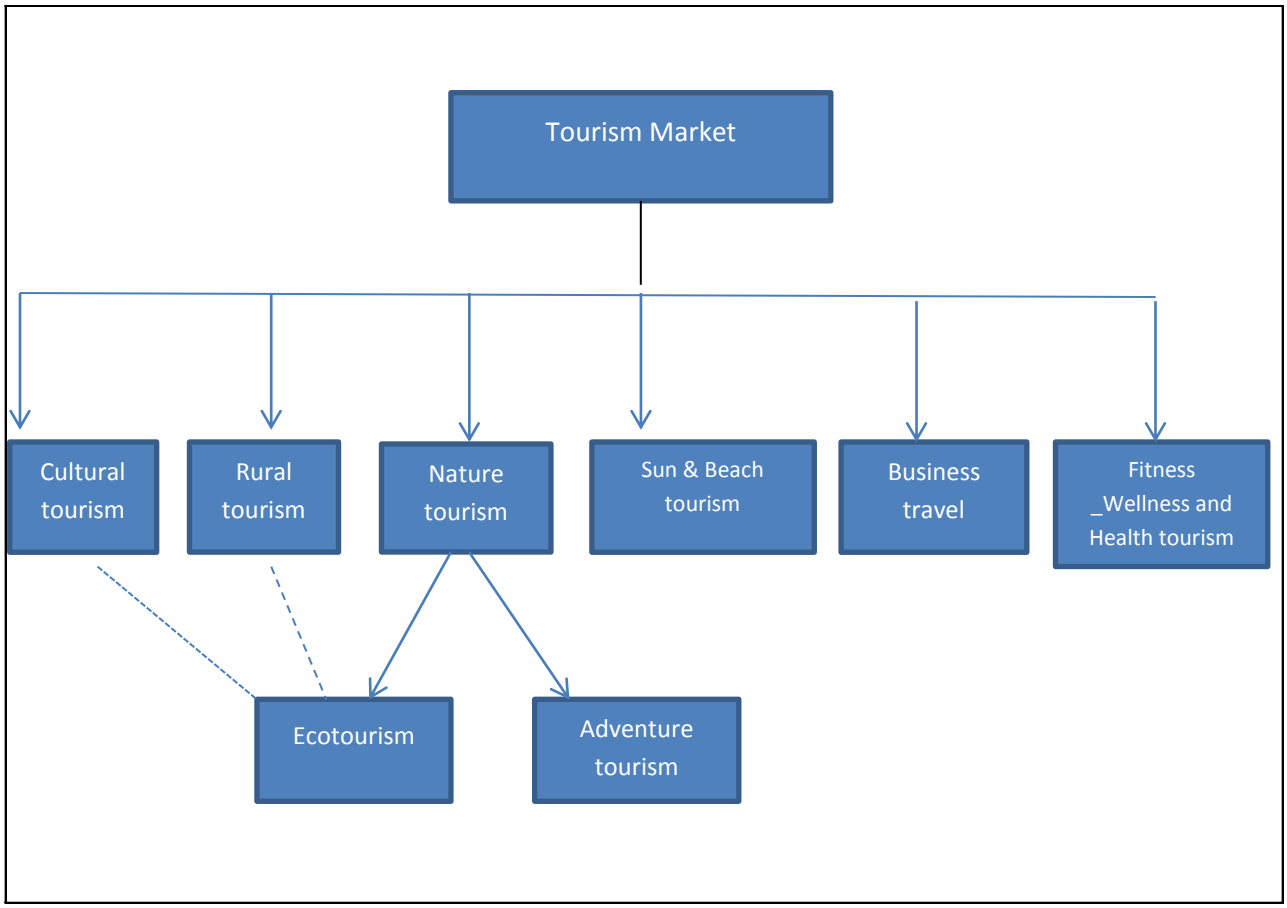

Figure 6 : Define Tourism Market Source

Source: Perera (2004)

Figure 6 describes as to how the ecotourism sub sector fit into broader tourism market. Ecotourism is a sub sector of nature tourism which has some components from cultural and rural tourism. Further, ecotourism involves visiting natural areas with the purpose of learning, studying or participating in activities that do not bring adverse effects to the environment (Fernando & Shariff, 2013) .

Sri Lanka is rich with a repository of natural resources. Sri Lanka has a wide range of ecosystem diversity. Forests, grasslands, inland wetlands, and coastal and marine

ecosystems are some important natural ecosystems exist in the country. And it is counted as one of the 24 biodiversity hotspots in the world, which has created immense value to some of our wildlife and plant genetic resources. Ecotourism destinations are based on the different eco systems. Some of the most popular ecotourism destinations in Sri Lanka are; Yala national park, Wilpattu national park, Madhu River, Ambalangoda Mangrove Conservation Project, Sinharaja forest, Belihul Oya etc. (http://www.ecotourismsrilanka.net)

According to Wadippuli Arachchi and et al (2015), in their study on 'A Comparison of Eco-Tourism Practices of Sri Lankan Hoteliers' with Reference to the International Standards', has identified that ecotourism business in Sri Lanka is not being guided by international principles, - A "National Policy Plan on Eco Tourism" is yet to be formulated by the tourism authorities in Sri Lanka, there are very limited true eco resort operators, those who adhere to the eco-resort principles, Non- availability of genuinely planned eco resorts that guarantee the economic benefits to the community etc (Arachchi, et al., 2015).

Further, it has not been systematically study on IPRs in tourism or ecotourism sector in Sri Lanka thus far. However, it has been identified that it is important to eliminate adverse effects which hampers the sustainable growth in tourism.

3. Intellectual Property Rights in Tourism Sector

The Trade Related Intellectual Property Rights (TRIPs) agreement introduced intellectual property laws into the international trading system for the first time and remains the most comprehensive international agreement on intellectual property to date. TRIPs also incorporate all major international conventions and treaties on IPRs, such as the Berne Convention for the Protection of Literary and Artistic Works (1971); the Paris Convention (1967) for the Protection of Industrial Property; the Rome Convention (1961) for the Protection of Performers, Producers of Phonograms, and Broadcasting Organizations; and the International Convention for the Protection of Integrated Circuits (Panagariya, 1999).

The Countries, who are members of World Trade Organization (WTO), are required to legislate or to promulgate IPR laws, rules and regulations for the implementation of the

minimum requirements of TRIPs in their respective jurisdictions. As Sri Lanka a member of WTO, it has implemented IPR Act in 2003, which reads as Intellectual Property Act, No. 36 of 2003.

Intellectual property refers to the creation of the mind in the form of ideas and knowledge and as per the WTO's, TRIPs agreement IPs are defined as follows;

Copyright and related rights: Copyright includes the right relating to literary and artistic works and such a right which is granted for a minimum period of 50 years after the death of the copy right holder.

Industrial property rights: The rights can also be grouped into two categories. The first category includes, distinctive signs –especially trademarks, which distinguishes a particular good or service from another good or service, and the geographical indication. The second category relates to IPRs such as patents, industrial designs and trade secrets. A patent is granted for innovations in products as well as processes, industrial design for new designs of goods and trade secrets for maintaining secrecy in matters and relating to trade. A patent can be protected for 20 years, industrial design for at least 10 years[5].

IPRs are a tool that can support tourism development through the creation of ideas, knowledge and innovations in the sector. The main IPRs in tourism sector are; trademarks, geographical indications (certification marks, collective marks or a sui generis system) or industrial designs. In addition, other intellectual property rights such as patents, copyrights and trade secrets also contribute to create a brand image (Nanayakkara, 2013).

According to the available literature, branding which covers, "Destination Branding", is the most common IPR which is used by the tourism sector. By using the trademark countries and region are trying to differentiate themselves from others to provide a unique and distinct service (Nanayakkara, 2013). At the moment Sri Lanka is using the logo or a trademark of Wonder of Asia, which is shown below.

[5] www.wto.org

Source: http://www.srilanka.travel/index.php?route=common/home

Furthermore, when considering the ecotourism, traditional knowledge of people especially in health and agriculture are also important in promoting tourism. Traditional knowledge is people's awareness and understanding of information, which is passed on from one generation to the next, usually by word of mouth within a specified group of people. In Sri Lanka most of the village people use their traditional knowledge for health and agriculture purposes. Where, Agro tourism which provides tours in local farms to viewing the growing, harvesting, and processing of locally grown foods as well as sampling them on site or in local restaurants and cafes. There are also lectures and other learning opportunities and the tourist also has the possibility of staying in one of the farms to absorb the experience.

Moreover, especially developing countries could use Geographical Indication to promote their "indigenous products" in the international market. However, the biological resources and farmers' traditional knowledge and skills have not been registered or documented in most of the developing countries including Sri Lanka and with the globalization process, bio-diversity and the traditional knowledge; skills and technologies possessed by the local farmers in developing these varieties are at a stake. Thus, implementing a proper and strong protection system will lead to enhance tourism sector in Sri Lanka especially, ecotourism sector which includes agro tourism and health tourism.

4. Intellectual Property Rights System in Sri Lanka

Sri Lanka has already implemented some rules and regulations with regard to natural resources and traditional knowledge of its people. Most of these Acts and Ordinances collectively indicate a policy in favour of physical protection of natural resources, but are not specific laws relating to biodiversity and traditional knowledge. Most of these laws were passed many decades ago.

Sri Lankan intellectual property law followed the British law on intellectual property until 1978. Since signing the TRIPS Agreement, the Government of Sri Lanka is obliged to introduce rules and regulations to protect its own things. Having such laws are necessary to attract new and advanced technologies and to provide incentives to investors especially for private investors.

Sri Lanka passed its Intellectual Property Act No.36 in 2003 to comply with TRIPS agreement. However, this law does not have a direct bearing on biodiversity and traditional knowledge as it does not allow for the patenting of biodiversity.

4.1 Intellectual Property Rights act No. 36 of 2003

The intellectual property rights act No: 36 of 2003 is replaced the code of Intellectual Property Act No: 52 of 1979. This act has introduced several types of property rights including copy rights, related rights, expression of folklore, industrial designs, marks, patents, sui generis system, unfair competition, undisclosed information, geographical indication etc.

Further, with regards to the traditional knowledge of farmers' the act states about expression of folklore. Section 24 of the Act offers a sui generis form of protection to the expression of Sri Lanka's folklore. And the section 5 of the Act says that "Expression of folklore can be identifies as a group oriented and tradition based creation of groups or individuals reflecting the expectations of the community as an adequate expression of its cultural and social identity , its standards and values as transmitted orally by imitation or by other means.

Apart from the TRIPs Agreement -2003, there are some other protection methods have been introduced to protect traditional knowledge in Sri Lanka which is more relevant to the ecotourism.

4.1.1 Legal Framework for the Protection of Traditional Knowledge in Sri Lanka -2009

This document was prepared in 2009 to provide protection and proper management of traditional knowledge in Sri Lanka. However, this draft has not yet implemented.

According to the draft document “ The Government of Sri Lanka recognizes: the importance and value of traditional knowledge in all the fields of human endeavor including scientific, technological, industrial, economic, cultural, educational, social and spiritual; and the necessity to promote the protection, development, conservation and preservation of traditional knowledge; meet the legitimate needs and expectations of the holders of traditional knowledge; secure the respect and recognition for the traditional knowledge and the holders thereof for their contribution to the knowledge and development; ensure fair and reasonable benefits to the holders of traditional knowledge for the use of traditional knowledge outside the traditional context; regulate use, disclosure, acquisition, preservation and conservation, management, development and application of traditional knowledge; discourage, control, counter and stop misuse of, misappropriation of and unauthorized access to, traditional knowledge; and enable the human race to duly benefit from the traditional knowledge of Sri Lanka (WIPO, 2009).

According to the draft Sri Lankan document "traditional knowledge" means the content or substance of knowledge that is result of intellectual activity and insight in a traditional context and includes the know-how, skills, innovations, practices and learning that form part of traditional knowledge systems and knowledge that is embodied in the traditional lifestyle of a community or people, or is contained in written or codified knowledge systems passed between generations and “traditional knowledge” is not limited to any specific technical field, and may include agricultural , environmental, health care and medicinal knowledge, associated with genetic resources or other components

Further, the "holder of traditional knowledge" defines as an individual, or group of individuals, or community, of Sri Lanka that is in possession of traditional knowledge distinctively linked to such individual, group of individuals or community and not in public domain and the Government of Sri Lanka in respect of traditional knowledge distinctively linked to Sri Lanka and in public domain in Sri Lanka but does not include a person or a group of persons corporate or unincorporated who have acquired such traditional knowledge in violation of the provisions of this Act.

In addition, the draft document mentioned that, It is the duty of the Government of Sri Lanka representing the people of Sri Lanka to preserve, develop and manage traditional knowledge in public domain for the benefit of the people of Sri Lanka and future generations and to encourage and promote scientific research and innovations involving and relating to such traditional knowledge. The Director General of Intellectual Property will be responsible for discharging this duty on behalf of the Government of Sri Lanka

with the cooperation of the government agencies dealing with the concerned and related subjects such as indigenous medicine, agriculture, bio-diversity, environment, fauna and flora, wild life and forest whenever he needs such cooperation and in the manner and circumstances that he needs such cooperation.

4.2 Types of IPRs Use in Tourism Sector in Sri Lanka

The most common type of property right that is used in Sri Lankan tourism sector is trademark. Generally used by different hotels and restaurants to promote their business. Some of the commonly used brands are describe in Figure 7.

Figure 7 : Tourism Sector logos in Sri Lanka

Source: https://www.google.com

However, in most occasion only large scale hotels are bothering about registering their trademarks or industrial design in the tourism sector. And it is not very commonly used in Sri Lanka. Currently, there are nearly 334 hotels and hotel classification can be explained as follows (Table 1).

Table 1 : Classification of Hotels

Type of Hotel	**2013**	**2014**
Total number of hotels	304	334
5 Star	14	14
4 Star	18	18
3 Star	14	14
2 Star	33	33

1 Star	34	34
Small luxury hotel	24	24
Unclassified	167	197
Supplementary establishments	1021	1265

Source: Annual Statistical Report 2014, Sri Lanka Tourist Development Authority

According to the Table 1 unclassified hotels have increased rapidly during past years. Tourist hotels dominate tourist accommodation in Sri Lanka. The 248 tourist hotels approved by SLTDA have been categorized into two major types: classified and unclassified. Classified hotels are further categorized from one to five stars based on criteria specified by World Tourism Organization (WTO). A large number of tourist hotels continue to be unclassified, as they do not meet these criteria. Unclassified properties cater to demand that cannot be accommodated by branded establishments due to high rentals or non-availability. They form an important part of the hotel industry in the country. However, most of these unclassified accommodations are not bothering about protecting their intellectual rights.

Sri Lanka is a country which has rich cultural heritage and biodiversity. However, so far tourism sector has not developed to receive maximum benefits of IPRs to develop the sector. At the grassroots levels it is not very popular. There are several activities which could be strengthening by using strong IPRs. For an example; there are several places where we can develop as ecotourism destination by introducing geographical indication (tours in tea estates to show how 'Ceylon tea' grow and show the process of manufacturing. In same way can promote 'Ceylon Cinnamon', 'Sigiriya' as the 8th wonder of the world' etc.)

The investment in tourism sector has increased vastly after the year 2009. There are several international hotel chains including Shangri-La, Hyatt, Movenpick, Best Western started their construction in the island. In addition, many Small and Medium Enterprises (SMEs) investments were also started in the country especially in Eastern and Northern provinces after the end of civil war (Central Bank of Sri Lanka, 2014).

Sri Lanka Tourism and Development Board and the Central Bank of Sri Lanka have also identified the importance of branding and strategic repositioning to ensure the sustainable growth in the tourism sector including ecotourism in the medium and long term.

5. Recommendations and Conclusions

Intellectual property protection promotes investments and international trade flows. Simultaneously, it plays a significant role in encouraging innovation, product development, and technical changes in the development process. It was identified that there is a positive relationship between IPRs and the economic development of Sri Lanka. Economic development of the country with IPRs happens through two channels namely; higher investments and international trade. This factor is similar to the tourism sector as well.

As a developing country Sri Lanka should take advantage of the arrangements provided by the TRIPs agreement and provide protection via geographical indication, sui generis system and proper methods in protecting traditional knowledge to enhance the tourism sector in the country where providing high focus on the ecotourism which has proved as a blooming industry in the economy.

It is highlighted that the country should have a well-established national policy on tourism focusing on ecotourism as it is identified as the one of the main subset of the tourism sector. As at to-date most of the developing countries do not have a properly built protection system. Thus, we are highly vulnerable to outside exploitation. Therefore, it is important to identify ways and means need to be devised and customary laws strengthened for the protection of traditional knowledge of the community from bio-piracy when promoting tourism.

Further, it is essential to increase general public awareness on the subject, and keep them updated as they are an entity that has a voice and the power to influence the government. As SMEs in the hotel sector is expanding and unclassified hotels are increasing it needs to provide knowledge on the values of our culture and traditional knowledge amongst general public and the importance of protecting our own things. As an example, in India it is the general public that demands the government to provide protection.

In addition, it is important to have a separate unit or an institute to promote and monitor tourism sector related IPRs and to provide financial and other advisory supports to investors and people who are engaged in the tourism sector. Conduct awareness programmes at village level to provide protection for our traditional knowledge which could be expose while promoting ecotourism.

Moreover, it is important to document the available knowledge, maintain a register to collect and keep traditional knowledge and prevent unlawful access to and patenting of our traditional knowledge. And also it is important to establish a Prior Informed Consent which provides the holder of traditional knowledge will grant prior informed consent to and conclude license contracts for access to such traditional knowledge. There is a need to develop an alternative sui generis system which will meet the needs of the holders of traditional knowledge. Such a system will not only ensure the sharing of benefits but also create an environment which would encourage the disclosure of traditional knowledge that would otherwise be lost to the world. The development of such a sui generis system is not an easy task and required the concerted effort of the local community too.

Finally, it is utmost important to provide necessary inputs to WIPO, CDIP to implement necessary IPRs in tourism sector in Sri Lanka. So far, we don't have a proper mechanism to promote tourism sector especially the ecotourism sector by using IPRs. Thus, it is essential to get the support of WIPO. Further, it is vital to implement the proposed act on 'The protection of traditional knowledge in Sri Lanka' which was drafted and placed in WIPO in 2009.

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