

COPYRIGHT LAW, CULTURAL APPROPRIATION, AND CREATIVE EXPRESSION IN THE ENTERTAINMENT INDUSTRY

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ABSTRACT:

Cultural appropriation and copyright laws have an intertwined relationship with each other. Copyright law is significantly used to counter cultural appropriation as it affects marginalized communities to a great extent. On the contrary, copyright law, which was created to safeguard original creations, currently dictates the limits of creative expression by scrutinizing cultural expressions and inspirations. This article attempts to analyze this dicey situation from a legal perspective. It is absolutely true that law evolves along with evolution of the society but considering the intellectual property law is a newer legislation, it is evolving slowly and at times the gap between the pace of evolution between the entertainment industry and copyright law, leads to a clash between both of them. This paper discusses the consequences of the intersection of copyright law and creative expression through the medium of culture. It also attempts to analyze the effect of cultural appropriation of marginalized and underrepresented communities. It highlights the systematic disenfranchisement that disadvantaged communities face when their culture is appropriated by big labels and corporations. This paper also analyses how it is easy for established artists to explore cultural inspirations as compared to independent artists who have limited resources to traverse the contours of copyright law. This paper makes a case for the importance of evolution of copyright law so as to create a balanced approach towards artistic expression and originality protection. It is essential for law to limit its scrutiny when it comes to creative expression but at the same it is also important for law to protect the genuine interests of cultural communities. Moreover, it is the need of the hour to create changes in the copyright law to clearly define what counts as copyright infringement in terms of cultural appropriation and to what extent an author can take inspiration from a particular culture whether his own or not. Lastly, this paper envisages certain recommendations for the future to create a better copyright safeguard mechanism to protect

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the interests of law, people belonging to cultural communities and creators in the digitized space.

INTRODUCTION:

The dichotomy we are presented with when we analyse copyright law and cultural appropriation is the challenges that it poses while attempting to safeguard original creation. Copyright law intends to safeguard original creations and prevent infringements which lead up to economic loss to creators. Cultural appropriation on the other hand is an act through which a creator copies cultural aspects of a community that he doesn't belong to. These cultural aspects are largely related to music, dance, art or relevant practices and symbolisms.

In such a situation, the role of copyright law is to prevent such copying so as to protect the rights of the community which depends on the cultural art form for their livelihood or have a deeper emotional connection with their culture. On the other side of the argument comes the topic of creative exploration wherein an artist takes inspiration from a cultural norm without substantially copying it or damaging its integrity. Copyright law poses a great threat to these artists as it consequentially limits their creative expression by coming in conflict with their creation.

Traditional cultural expressions which cover folklore, music, dance and art which are intergenerational may not pass the originality tests imposed by copyright laws due to ambiguous ownership/ authorship. This situation makes traditional cultural expressions vulnerable to being exploited by large corporations and established artists depriving the actual beneficiaries and creators from their claims and benefits.

The larger argument is that cultural appropriation can pave ways for innovations in the field of creative expression which would ultimately be extremely beneficial for society but at the same time it can lead to erasure and heritage of particular communities.³ The primary doctrine of intellectual property law which stands as an essential safeguard to cultural misappropriation is the fair use doctrine. The fair use doctrine prevents unauthorized use of cultural elements which are protected by copyright law. The doctrine provides the court with the power to disapprove of any creation which is culturally appropriated and goes against copyright protection. On the contrary, there exists a concern regarding cultural appropriation cases not being able to properly

³ Zografos D, 'The Protection of Traditional Cultural Expressions with Copyright' in Intellectual Property and Traditional Cultural Expressions (2010).

address the communal nature of traditional cultural expressions or the significant harmful effects on marginalized communities by them.⁴

Especially in the music industry, the topic of cultural appropriation has been the centre of debate. This discourse largely arises due to established artists sampling their music from musical elements of traditional cultural music of disadvantaged communities who have no resources to defend their claims on traditional cultural expressions by and large. There have been many controversies and conflicts around famous singers borrowing from traditional cultural elements. These controversies reflect the limitations that copyright laws have when it comes to dealing with ethical concerns around cultural inspirations and borrowing.⁵

Addressing the above-mentioned challenges and limitations requires us to take a balanced approach between creative expressions of traditional cultural elements and the primary responsibility of copyright law to safeguard ownership and prevent infringements. Scholars usually recommend the creation of a sui generis system which is personalized to safeguard traditional cultural expressions while providing efficient protection against cultural misappropriations which lead up to communal tensions⁶.

LITERATURE REVIEW:

While passing through the corners of cultural appropriation and creative expression in the entertainment industry, the law of copyright poses significant influence over certain kinds of practices. An artist drawing inspiration from various cultures and cultural norms is not a new thing but since the development of intellectual property law, they are made to come in terms with the challenge of balancing the integrity of their art and the demands of the legal frameworks which seek to protect originality and prevent infringement. One example that comes to mind is the song *Blurred Lines* which led to a conflict between Robin Thicke and Pharrell Williams with the estate of Marvin Gaye. This particular case poses certain reflections on the thin line between paying tribute to a famous artist and appropriation of their art and culture. (Lester et al., 2014).⁷

⁴ Zografos D, 'The Protection of Traditional Cultural Expressions with Copyright' in Intellectual Property and Traditional Cultural Expressions (2010).

⁵ Manuel P, 'Musical Borrowings, Copyright, and the Canard of "Cultural Appropriation"', *The Oxford Handbook of Global Popular Music* (Oxford University Press 2021).

⁶ N Dladla, 'Copyright Law and the Ruse of Culture: "Traditional Cultural Expressions and Expressions of Folklore" as a Conception of Racial Difference' (2024) 25 *Phronimon* 26.

⁷ Toni Lester, 'Blurred Lines – Where Copyright Ends and Cultural Appropriation Begins – The Case of Robin Thicke versus Bridgeport Music and the Estate of Marvin Gaye' UC Hastings Scholarship Repository <https://core.ac.uk/download/230126796.pdf> accessed 28 January 2025.

There is a clear overlap between the rights to publicize something and copyright protection. This overlap often leads to rising concerns for creators when it comes to the discourse of cultural appropriation and copyright protection. It has been noted that creators face severe legal consequences when their creation resembles other individuals and their culture without their permission. This leads to restrictions or impediments towards personal expression of an artist. (Weisbord et al., 2016)⁸

These legal discourses shape our understanding of how artists navigate through the slim lanes of cultural exchange and expression under the shade of copyright protection and law. The entertainment and media industry is continually evolving and this evolution runs parallel to the evolution of intellectual property law. Therefore, the protection for cultural expression has strengthened in a strict manner in the current times. At certain times, these two things do not develop at the same pace which leads to conflicts. This can be observed especially with the development of digital technology; the rudimentary copyright law framework has not been able to deal with the growth effectively. One example is a female creator landing into trouble for creating stories with her Barbie doll which was treated as an infringement of copyright. Such cases blur the line between personal creative expression and copyright protection. (Tushnet et al., 1997)⁹

Going forward, high profile cases reveal the disputes between copyright law and cultural expression faced by artists like Negativland. These disputes are often the reflection of the changing attitudes towards the traditional understanding of idea ownership under copyright law in the modern digital world. (Anonymous, 2003) Therefore, it becomes extremely important in the current day and age to create an effective balance between intellectual property protection and creative expression through the medium of culture, especially in the entertainment and media industry.

Copyright law is highly essential in the current legal system and it cannot be done away with as it essentially safeguards the rights of artists and creators but at a time when digital distribution is on a rise, the consequences of copyright laws must be revisited as they extend beyond the simple purpose of safeguarding originality. The current understanding of copyright law demarcates the bounds of creative expression. One example to support this claim is that it

⁸ Kress R Weisbord, 'A Copyright Right of Publicity' (2016) FLASH: The Fordham Law Archive of Scholarship and History <https://core.ac.uk/download/144231571.pdf> accessed 28 January 2025.

⁹ Rebecca Tushnet, 'Legal Fictions: Copyright, Fan Fiction, and a New Common Law' (1997) Scholarship @ Georgetown Law <https://core.ac.uk/download/74539359.pdf> accessed 28 January 2025.

is very common for famous and established creators to utilize copyright laws to their advantage but new age creators often face significant hurdles traversing the complications of copyright laws which create a greater inaccessibility for them. As it becomes increasingly easy and common to reproduce content and distribute them after digitalization, the questions of legality under copyright laws poses challenges towards violation of the rights of creators as well as attacks their income or revenue generation to a large extent. (Tushnet et. Al, 1997)

Furthermore, it is important to realize that this challenge poses a greater burden on independent artists as compared to the ones who affiliate themselves with larger corporations. For instance, in the field of music sampling, the independent artists do not receive enough legal backing or resources to navigate copyright cases as opposed to artists signed with big record labels who have a legal team to make their case and present it to the courts. (Corrado et al., 2019)¹⁰ Therefore, there is a need for the evolving copyright law to envision a balanced approach which promotes or encourages innovation in their creation along with protecting the rights of the creators.

Now coming to cultural appropriation and its impact, there undeniably exists a complex relationship between cultural appropriation and creative expression especially in the media and entertainment industry. This relationship is often the subject of scrutiny for ethical and legal implications. Artists have continually taken inspiration from various cultural elements like classical dance, classical music, cultural and tribal art and folklore to create their own versions or creations. It is also undeniable that artists have received significant backlash time and again for appropriating culture for their own creations. This backlash is especially severe when the artist draws inspiration from a culture that is not his own. Especially in the music industry, this is very common as the practice of sampling is used to create new sounds while using previous sounds as the core to evoke nostalgia or association. However, we have already established that independent artists face multiple legal and financial obstacles when they aim to participate in this cultural exchange, hence putting them at a disadvantaged position. This limits their contribution towards shaping cultural narratives significantly. Research shows that there is a need for a more clarified framework to distinguish between inspired works and direct cultural

¹⁰ Sean M Corrado, 'Care for a Sample? De Minimis, Fair Use, Blockchain, and an Approach to an Affordable Music Sampling System for Independent Artists' (2019) FLASH: The Fordham Law Archive of Scholarship and History <https://core.ac.uk/download/216959268.pdf> accessed 28 January 2025.

appropriation so as to facilitate creative cultural expression while safeguarding or protecting the originality of a work effectively. (Mavridou et al., 2013)¹¹

It cannot be denied that the entertainment industry's continued exploration of culture and at times the outright cultural appropriation poses a significant threat to the marginalized communities who depend on the art for their livelihood. More than economic deprivation, their emotional connection to their culture leads to severe concerns. Appropriation of their culture consequentially leads to erasure of their past, their problems and their contributions to society. These groups are predominantly underrepresented and the excessive cultural appropriation leads to a systematic disenfranchisement of their existence which showcases greater social inequalities at play. Copyright law can be effectively used by these communities to protect their ownership over their cultural norms and benefiting economically while undoing the injustices done to them. On the contrary, these cases require huge amounts of economic resources and the disadvantaged communities barely have access to justice mechanisms. Nonetheless, the importance of the intersection between copyright law and cultural appreciation cannot be ignored especially when envisioning the creation of an egalitarian and equitable legal regime. (Evans et al., 2022)¹²

INTERPLAY OF COPYRIGHT LAW AND CULTURAL APPROPRIATION:

The interplay of copyright law and cultural appropriation consequentially leads to multiple implications and obstacles especially when it comes to safeguarding traditional cultural expression.

Challenges within the legal regime related to cultural appropriation -

The existing copyright law frameworks already provide for protection of original pieces of work which are tangible in their essence. These creations can include various traditional cultural expressions as well. Many communities can already find their creations and traditional cultural expressions already under the protection of copyright law. These works are largely musical, dance choreographies or oral records. These already protected traditional cultural expressions pass the test of originality to find themselves under the protection of copyright law.

¹¹ Orion Mavridou and Robin J S Sloan, 'Playing Outside the Box: Transformative Works and Computer Games as Participatory Culture' (2013) <https://core.ac.uk/download/228177286.pdf> accessed 28 January 2025.

¹² Tonya M Evans, 'De-Gentrified Black Genius: Blockchain, Copyright, and the Disintermediation of Creativity' (2022) Pepperdine Digital Commons <https://core.ac.uk/download/516462434.pdf> accessed 28 January 2025.

The problem arises when we observe that even though there are multiple pieces of traditional cultural expressions which are already copyrighted, the copyright law is limited when we talk about future applications and protections. Many traditional cultural expressions fail at getting copyright protection primarily due to group or community-based ownership.

Other factors which create an obstacle for traditional cultural expressions from getting copyright protection include the absence of a clearly identifiable authorship and lack of a chain to prove the intergenerational transfer of oral cultures. Due to these challenges and limitations of the copyright law, many traditional cultural expressions fail to get copyright protections which makes them vulnerable towards unauthorized use and economic exploitation. These factors deprive the community who actually have a claim over the creations to be deprived of them and face severe economic losses. These communities also lack adequate resources to fund legal battles for establishing their authorship of the traditional cultural expressions against large corporations.¹³

While reflecting on International Intellectual Property Law frameworks and safeguards, even those seem pretty inadequate and inconsistent when it comes to dealing with the protection of traditional cultural expressions. There are various organizations like the World Intellectual Property Organization which has started multiple discourses on the topic of gaps and limitations of intellectual property law to address the challenges when it comes to dealing with cultural appropriation and traditional cultural expressions but these debates have not borne appropriate results.

It is common for various kinds of intellectual properties like trademarks, geographical indications and patents to have a universally accepted framework for their applications but the lack of such a uniform protection measure for copyright when it comes to traditional cultural expressions creates various ambiguities across different jurisdictions. It can be argued that creation of a universally accepted framework with clear definitions and standards of originality specifically for cultural expressions can create a beneficial ecosystem and prevent exploitation as well as infringement.¹⁴

¹³ L Teal-Rutkovsky, 'Cultural and Cultural Appropriation Challenges of Indigenous People in the Global Fashion Industry' (2023) *Sustainable Textiles: Production, Processing, Manufacturing & Chemistry* 141.

¹⁴ Murphy Yanbing Chen, 'Safeguarding Traditional Knowledge and Traditional Cultural Expression through Intellectual Property Systems' (Center for Art Law – At the Intersection of Visual Arts and the Law, 1 February 2023) <https://itsartlaw.org/2023/02/01/safeguarding-traditional-knowledge-and-traditional-cultural-expression-through-intellectual-property-systems/> accessed 27 January, 2025.

Analyzing case studies related to cultural appropriation and copyright law –

There have been multiple copyright disputes, some more popular than others, in the realm of cultural appropriation and copyright infringement. These disputes have primarily arisen due to an artist taking an existing artwork from a culture and creating something new out of it. One of the most well-known cases is the case of *Blanch v. Koons*¹⁵ wherein the very famous artist named Jeff Koons was under the radar of copyright infringement from utilizing a photo of Andrea Blanch in one of his paintings without her permission. Koons used the fair use doctrine to argue his case and stated that he had transformed the picture sufficiently as compared to its original purpose to ensure that it has a very different use. The court ruled in favour of Jeff Koons after observing that Koons adhered to at least three of the four factors used to determine fair use.

The factors which the court considers to judge fair use are:

- The nature and the purpose of the selections
- The amount of the objected material used in the new creation
- The degree of economic loss which may be caused to the original work due to the new creation
- The object behind creation of the transformative act

Jeff Koons has a reputation of being called an appropriation artist but in this current case, the fair use doctrine proved that Koons' use of the original work i.e. the photograph is completely different from the original purpose and it did not substantially copy any parts of the work. The transformative work of Koons did not pose any economic risk to the original photograph and therefore, it cannot be termed as copyright infringement due to cultural appropriation.

Overview of International Norms -

When we take a look at international treaties and legal frameworks, it makes it seem that the Berne Convention as well as WIPO legal frameworks largely focus on protecting the claims of ownership of individual authors and do not prescribe many provisions for communal creations and ownerships like the traditional cultural expressions. This limitation of international frameworks creates a gap when it comes to protecting cultural expressions globally. This gap can lead to cultural expression of a community from one country getting appropriated by

¹⁵ *Blanch v Koons*, 467 F3d 244 (2d Cir 2006).

established artists of another country leaving the indigenous community deprived of any legal recourse.¹⁶

When it comes to the perspectives of various countries, jurisdictions like the United States have a copyright law system which promotes protection of individual authorship and leaves out communal ownership of creations. Largely, when courts consider cases of cultural appropriations, they use the fair use doctrine to evaluate whether the transformative work substantially affects the original work to a substantial extent.

Coming to the intellectual property regime of the European Union, it has taken active efforts to protect the communal rights of indigenous communities dealing with traditional cultural expressions but these actions have not been adequate to a good extent. The government is in the process of consultations to create an effective framework to accommodate traditional cultural expressions. Certain European Union states use the concept of moral rights to protect traditional cultural expressions.

It is usually observed that the developing nations are the ones who truly have the biggest repository of traditional cultural expressions related to their indigenous communities and therefore they should focus more on creating effective frameworks and legislations to deal with copyright violations due to cultural appropriations so as to protect the rights of their indigenous communities. By developing a sui generis system, they can move towards the adoption of an international safeguard system.

CULTURAL RIGHTS AND FREEDOM OF CREATIVE EXPRESSIONS:

There is a need to balance the freedom of an artist to explore their creativity by getting inspired from cultural expressions and preventing cultural appropriations as well as infringement of communal rights of indigenous communities.

Protection of cultural norms -

It is undeniably true that the cultural communities have an integral connection with their cultural identity and norms which include various music, dance, art and oral traditions. For promoting their cultural uniqueness and multiculturalism, there is an intrinsic need to protect these cultural aspects from exploitation of any kind.

¹⁶ WB Wendland and M Burri-Nenova, “‘It’s a Small World (after All)’”: Some Reflections on Intellectual Property and Traditional Cultural Expressions’ in *Intellectual Property and Traditional Cultural Expressions in a Digital Environment* (Edward Elgar Publishing 2008) ISBN 978-1-84720-921-4.

Due to the uniqueness of traditional cultural expressions where there is no individual ownership of the creations, the conventional intellectual property regime which currently exists is not enough to protect them. Therefore, there is a need for creation of a sui generis system which addresses these shortcomings through a customized or tailored legislation or provision. Such sui generis systems which are developed domestically keeping in consideration the unique needs of communal protection can consequentially lead to safeguarding communal feelings and claims while allowing for the perpetuation of cultural expressions and inspirations done by artists.¹⁷

Another concept which can be implemented to create a balance between cultural expressions and copyright protection is the access and benefit sharing model and community consent model used for protecting biological diversity as an intellectual property. These models mandate the creation of a system where an informed consent of the community is necessary for any kinds of inspirations to be taken from traditional cultural expressions. In such a case, all the income generated from the transformed work can also be proportionately shared with the community to ensure adequate safeguards of their rights and economic interests as well.

Promoting creative expressions -

It is very important to promote creative expressions and inspirations while trying to protect traditional cultural expressions from getting infringed in any manner. In many jurisdictions, the doctrines and principles of fair use and fair dealing function as an exception under the copyright law to promote creation of transformative works which encourages creative freedom and inspirations by and large. The fair dealing and fair use doctrines allows for exceptions to use of cultural elements in transformative works and that contributes to a more evolved cultural landscape in the media and entertainment industry.¹⁸

There is a greater concern around creation of an overly strict copyright protection regime which might end up discouraging artists from getting inspired from cultural expressions. It is important to create transformative media and entertainment work related to cultural expressions to promote various cultures and establish a sense of diversity amongst the masses. Therefore, it is important to create a balanced safeguard which apprises creative freedom but also protects cultural expressions from getting substantially copyrighted.

¹⁷ R Acharya and A Rathore, 'Protecting Traditional Knowledge and Traditional Cultural Expressions Regionally: The SAARC Possibility' (2023) 13 *Indian Journal of Intellectual Property Law* 273.

¹⁸ 'Copyright and Freedom in the "Digital Age"' (2006) *Copyright and Creative Freedom* 42.

SUGGESTED LEGAL AND POLICY REFORMS:

The evolved interpretations of traditional cultural expressions to create transformative works while protecting the interests of cultural communities require a more comprehensive and dynamic approach. The discourse stands on three tall pillars: firstly, the strengthening of safeguard mechanisms for traditional cultural expressions. Secondly, the promotion of multicultural partnerships with legal regimes and third, the use of technology for providing acknowledgement and fair compensation to indigenous communities.

Strengthening Safeguard Mechanisms under Copyright Laws -

Traditional cultural expressions face various obstacles when it comes to qualifying for the protection of copyright law. This is largely attributed to the communal ownership, lack of clear authorship traceability and dynamic nature of the creations. Various reforms can be envisioned to bring about changes in the regime. They include:

Traditionally, during the originating phase of copyright laws, the protection mechanism mandated certain formalities like getting your work registered and other mandates like the requirement of actual or constructive notice. By reintroducing these formalities in the realm of copyright laws can create a system where there are records of clear ownership and intent of protection. These formalities can ensure better enforcement of communal rights as well as rights of inspired artists to protect their work in a balanced approach.

Some experts argue that the prolonged period of copyright protection leads to various problems as it poses restrictions on cultural works and blocks access for creative inspirations. By decreasing the term of protection, the legal regime can balance the authorship claims and economic interests of creators with that of public accessibility so as to create a system where traditional cultural expressions can assimilate with the public domain without delays or hurdles.¹⁹

The most supported legal reform suggested by experts is the creation of a sui generis system of protection which mandated the creation of a safeguard mechanism tailored to the unique requirements of indigenous communities as well as domestic legal systems. This proposition is often compared to the sui generis system of protection afforded to geographical indications across various jurisdictions. Such frameworks can acknowledge the principles of communal

¹⁹ AL Peterson, 'The Takings Clause: In Search of Underlying Principles: Part I. A Critique of Current Takings Clause Doctrine' (1989) 77 *California Law Review* 1299.

ownerships and the dynamic nature of traditional cultural expressions. These frameworks also respect the cultural heritage and integrity of various communities thus reducing tensions and conflicts between artists and communities.²⁰

Multicultural Partnership with Legal Regimes -

Multicultural tripartite partnerships between the state, the artists and the indigenous communities can truly bear great results in balancing various interests. These collaborations also address concerns regarding cultural appropriations and misrepresentations of cultural aspects meticulously.

One of the first and foremost things that all jurisdictions with a large number of traditional cultural expressions and indigenous communities can take up is the creation of community consent models. These models mandate artists to take informed consent of communities linked to traditional cultural expressions before creating a transformative work based on their culture. This leads to empowering indigenous communities while encouraging cultural creativity and inspirations. This also aligns the communal sentiments and expectations of the communities with that of respectful inspirations. This also grants an opportunity to indigenous communities to participate in the process of creation and have an opinion on the process of commercialization of their traditional cultural expressions.

Scholars also recommend the creation of an equitable benefit sharing system which mandates the creation of binding documents that promote sharing of economic gains proportionately between the artists and the communities especially when their work is based off of their intent to commercialize it. This system can promote royalties, acknowledgement and other kinds of honorarium which reflect the importance of cultural contribution.

Technological solutions can be adopted to safeguard cultural expressions seamlessly. By using blockchain technology to create a decentralized and accountable record to evaluate the provenance of artworks, music, oral traditions and other cultural aspects. These records can store the history of authorship and the points of origin making their traceability easier. By using digital rights management systems, access to traditional cultural expressions can be controlled effectively only allowing authorized access to create transformative content or works from the

²⁰ C Antons and W Logan, 'Intellectual and Cultural Property and the Safeguarding of Intangible Cultural Heritage' (2017) *Intellectual Property, Cultural Property and Intangible Cultural Heritage* 1.

cultural norms. Unauthorized use and access could be easily identified and punished by using these systems effectively.

Smart contracts can also be leveraged to get the terms of agreements regarding use of traditional cultural expressions directly linked to the code which can allow for automatic payment of compensation for using cultural works effectively. For example: NFTs (non-fungible tokens) of artworks holding cultural relevance can be sold in a unified platform and the amount can be directly shared with the originators.

CONCLUSION:

The media and entertainment industry seeks to appease the masses by creating unique things or something that they relate to. This is the reason why they get inspired from underrated cultural elements with the intent of showcasing them or popularizing them to a larger mass but this intention often gets executed in a wrong way. By substantially copying a traditional cultural expression without any real transformation, they end up hurting the sentiments of indigenous communities. Most of these indigenous communities have deep rooted connections with their traditional cultural expressions but get no recourse when it comes to exploitation of their cultural resources. The case that scholars attempt to make is that the copyright regime must be formalized in such a way that the concerns of the traditional indigenous communities get addressed without limiting the creative boundaries of artists. It is extremely essential to promote cross-cultural elements amongst the general public but it must be done the right way and with the right intention keeping the fair use or fair dealing exceptions in mind. Without adequate safeguards, there would soon be a time where traditional cultural expressions will hold no real value in society and the great art of centuries will be exploited at every turn and corner. Therefore, it is extremely important to envision a stringent copyright safeguarding mechanism with adequate provisions to address the concerns of indigenous communities. This can be done by leveraging modern technology and by collaboration between the relevant stakeholders to come up with a system which benefits the indigenous communities while their cultural elements get commercialized. It is highly essential, especially for developing countries like India, Africa and others to come up with their own system of protection while advocating for a universal safeguard to prevent global cultural appropriation. A system equivalent to the traditional knowledge digital library could be developed with WIPO in collaboration with global states to protect the interests of the indigenous communities by recording their traditional cultural expressions thoroughly.