

World Trademark Review Daily

Colombia protects cultural heritage by means of IP Geographical indications/appellations of origin Colombia - Triana Uribe & Michelsen Certification/collective marks

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Most indigenous cultures have disappeared off the face of the earth, leaving no trace of their customs, traditions, culture and heritage. Knowing how much they have lost, Colombians have tried to retain and protect their folklore, and have started to look for different forms of protection.

Against this background, *Artesanías de Colombia*, a government institution, was granted the responsibility of promoting and developing the country's artisanal and craft sector, and the organisation's efforts have started to bear fruits with regard to one of Colombia's main crafts, the *Sombrero Vueltiao*, pictured below.



The *Sombrero Vueltiao* is probably Colombia's best known and most popular craft. The hat comes from a tradition that can be traced back a thousand years, and uses particular colours, designs and weaving techniques. The hat is made of gynerium sagittatum, also known as *caña flecha*, and its name refers to its particular characteristics - namely, its ability to be turned and also to the kind of stitches that it requires.

The *Sombrero Vueltiao* has long been part of Colombia's indigenous tradition, and is now preserved in the name of the Zenú indigenous reservation, as it is the main economical activity of this community.

Due to its popularity, the hat had often been counterfeited, which not only affected the reputation of the genuine products, but also damaged the economy of the reservation. Therefore, advised by *Artesanías de Colombia*, the Zenú indigenous reservation started a protection strategy for its cultural heritage. The reservation first protected the *Sombrero Vueltiao* by means of a denomination of origin, *Tejeduría Zenú*, in 2010 (File No 10-033772, Certificate No 12), which delimits the zone in which the hat can be made, and regulates the technique used to produce the hat. The *Sombrero Vueltiao* was also registered as a collective trademark (File No 11-020241, Certificate No 436,800) to further specify and protect not only the unique and special characteristics of the hat, but also the craftsmen and the economy of the Zenú indigenous reservation.

It seems that, in Colombia, the use of denominations of origin, collective trademarks and certification trademarks has become an ideal mechanism to protect the crafts, traditions and customs of the different regions and their cultural heritage. Other crafts and traditions are also protected through this type of intellectual property, such as the *Sombrero Aguadeño* (File No 10-023430, Certificate No 8), the *Mopa Mopa Barniz de Pasto* (File No 10-031917, Certificate No 10), and the *Tejeduría San Jacinto* (File No 10-023423, Certificate No 11).

Further, unique crafts have been protected by means of several collective trademarks, such as *Palma Estera del Cesar* (File No 12-054326, Certificate No 462,394), *Tejeduría en Esparto Cerinza* (File No 12-054333, Certificate No 473,943) and *Palo Sangre* (File No 12-054337, Certificate No 462,395).

Such protection gives communities the resources they need to defend their traditions and crafts and prevent infringements. In other words, denominations of origin and collective trademarks have helped protect Colombia's history.

Within this context, the Superintendence of Industry and Commerce, based on the Consumer Protection Statute; Law 908/2004 which declared the *Sombrero Vueltiao* a national cultural symbol; the denomination of origin *Tejeduría Zenú*; and the collective trademark *Sombrero Vueltiao*, initiated an *ex officio* investigation regarding the manufacturing and marketing of infringing hats similar to the duly protected *Sombrero Vueltiao*.

As part of the investigation, the Colombian authority ordered the suspension of any activity related to the import, creation and promotion of any hats that could be deemed confusingly similar to those produced under the denomination of origin *Tejeduría Zenú*. Further to the order, the local police proceeded to seize

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any merchandise which violated in any way the intellectual property of the Zenú indigenous reservation, and the owners of the infringing goods will be fined.

The proceedings are far from over; however, this constitutes a very strong precedent, which shows that Colombia's cultural heritage is now more secure.

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