

VIRTUAL NORDIC EXPERT SEMINAR: INTELLECTUAL PROPERTY & PROTECTION OF SÁMI TRADITIONAL KNOWLEDGE 22 OCTOBER 2020

MODERATED PANEL DISCUSSION ON CURRENT TOPICS AHEAD OF THE EVENT DURING PRESIDENCY OF NORDIC COUNCIL OF MINISTERS 2021

Anna Näkkäläjärvi-Länsman, *Collective right and a customary right in Sámi jojk, livdde, leu'dd*

Thank you very much for inviting me to share my thought at this seminar. It is an honour to be here.

It is a pity that you couldn't listen to my musical example; Pale face with Ailu Valle. In this there is a luohiti included. You can listen to it later if you have time. When listening to it the first time you think that it is a very well- produced piece of popular music with a Sami artist. It is in Sami language which is very good. You can also hear luohiti in it. And then you might wonder; is this the Sámi understanding of copyright here? Who's luohiti is it? Is the luohiti a person, an animal or a special place? Who owns it? If it is a person's luohiti and this is an elder or the luohiti's "person" has passed on, who is managing the luohiti after the death? Who has the copyright? I know that Áilu has published it on a record and that the luohiti has been taken from a record, "Joikuja". The record was published in 1968. Since then the protection of intangible heritage has developed very much, and also the way we consider these matters.

I talk about the luohiti, but I think that the situation is the same with the Aannaar Samis' livdde- culture (the Sámi in Inari, Finland). The Skolt Sámi music culture might function in a different way. I don't know about that I detail. The traditional heritage with luohiti is a living culture and it is said that it is the oldest living way of singing in Europe. It is an oral tradition and is passed on from one generation to next. But you can say that this culture is under threat in the entire Sápmi. Modern times and modern civilization has a very big influence on our every-day lives. Within the Sami culture we regard that it is the subject in the luohiti who owns it, and by this the copyright are her/ his.

Sámi vocal tradition is stored in archives from the beginning of 1900. Both written and on tapes. In Finnish archives there are hundreds of luohiti, livdde and leu'dd. There are also tapes with luohiti in European museums and universities. These are of course important sources when reviving and safeguarding the tradition of luohiti. When looking at these archives from a Sámi perspective we can see that in Finland there is no solid base that inform about the contents of the archives. And you must have a profound knowledge in Sámi culture in order to understand the content. Another concern is that anyone can use the tapes in the archives, it is the same as with the gákti. As with luohiti this is a property of the Sámi people. Every archive has its own regulations for listening or use. I am not sure whether the tapes are protected or not. Sámi artist use the archives very much. They use the old recordings when making music.

So, what about the luohiti of today? After the golden age of collecting very many new luohiti are made. And I can see there is also a need to in a systematical way store and write them down.

In the music genre, for example, the Finnish copyright organisations are doing practical work, they are negotiators, and the mediator between the music makers and the user. The music maker gets payed for the use of hen's music. They are acquainted with the composer, the lyrics, the producer and so forth. But they are not familiar with the object in the luohiti, they do not comprehend that contemporary and old luohiti are collectively owned by Sámi families.

The Sámi juridical principles are not enshrined in the copyright law so this becomes a challenge for artists that want to work with Sámi music in a way that honours Sámi principles of rights and traditions. If the copyright law does not find a way to adapt this so it supports Sámi artists and the development of the Sámi people they will become actor that it taking part in eradicating Sámi tradition. Teosto, Gramex and other music organizations that supports Finnish music industry are supporting Sámi music and Sámi artists. We need support that acknowledge our cultures way of functioning.

Now we need some peace when we are working on safeguarding and revitalizing the traditions of luohiti, livdde and leu'dd. It is also very important to protect Sámi traditional vocal music from being misused. And that our own understanding of copyright is taken into account.

Thank you