

Boosting Tourism Development through Intellectual Property





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Foreword

Tourism has been one of the world's fastest growing economic sectors in recent years and has repeatedly proven its resilience in the face of a range of challenges and crises. It has also established itself as a key driver of global sustainable socioeconomic progress and development. This growth goes hand in hand with increasing diversification and competition among destinations as they contend to attract tourists looking for unique and authentic travel experiences.

What tourism will be like in the aftermath of the unprecedented crisis caused by COVID-19 is not yet fully clear. What is clear, however, is that tourism will recover and contribute to reigniting hard-hit economies and societies thanks to its capacity to adapt to changes and offer innovative solutions to new challenges. In every country, the conjunction of decisive competitiveness factors and the alignment of public administrations and private sector stakeholders to coordinate efforts will be required in order to ensure full economic recovery. As a driver of socioeconomic growth, tourism should be identified as a priority in the political agenda in the post COVID-19 era, and the factors that contribute to the competitiveness of the sector will play a key role in positioning it at the forefront of recovery efforts while contributing to the fulfillment of the Sustainable Development Goals (SDGs).

In this context, intellectual property (IP) rights are powerful tools that can be used to boost tourism development and competitiveness. The IP system is designed to promote creativity and innovation and support efforts by individuals, businesses and other actors to differentiate themselves and their products and services in the marketplace, whether through trademarks, geographical indications, copyrights or patents.

Bringing together the expertise of two leading organizations in these fields, the World Tourism Organization and the World Intellectual Property Organization have partnered to explore the benefits of leveraging the use of the IP system for tourism development and promotion.

The result of this partnership is this groundbreaking publication aimed at raising awareness of the importance of protecting IP rights as they intersect with tourism in the areas of innovative solutions applied to tourism, destination branding and product development. The publication highlights good practice and features successful case studies and recommendations for policymakers and other tourism stakeholders working to ensure innovation in tourism is protected and that its benefits are shared by all.

On behalf of UNWTO and WIPO, we wish to thank everyone who contributed to our joint publication and we hope its guidance and recommendations prove to be useful in spurring innovation in tourism development.

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Acknowledgments

In 2016, at the request of the WIPO member states, a special project was launched on *Intellectual Property, Tourism and Culture: Supporting Development Objectives and Promoting Cultural Heritage in Egypt and Other Developing Countries*. Based on research conducted in the pilot countries focusing on the practical experiences of tourism stakeholders, the project made a series of recommendations to promote tourism-related economic activity, including activity related to the promotion of national or local knowledge, traditions and culture.

Based on this initial WIPO project and UNWTO's existing knowledge base, the present co-publication was born.

The publication was drafted by Ms. Patricia Carmona, Senior Specialist in the Tourism Market Intelligence and Competitiveness Department, under the supervision of Ms. Sandra Carvão, Chief of Tourism Market Intelligence and Competitiveness, World Tourism Organization (UNWTO), and Mr. Marcelo di Pietro, Director, Development Sector, Office of the Deputy Director General, World Intellectual Property Organization (WIPO).

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We are confident that this publication will prove useful to UNWTO's and WIPO's members, key tourism stakeholders, and national intellectual property administrations and policymakers alike, and that it will provide a solid basis for further research and study.



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Executive summary



Tourism has become a major player in the global economy. It is one of the most resilient economic sectors in the world and a force for sustainable socioeconomic progress and development. It has also become a catalyst for innovation and entrepreneurship. This development is driven by a demand for differentiated products and services with added value and competitive edge for stakeholders operating in the tourism market.

The intellectual property (IP) system has emerged as one of the key factors in the growth of the tourism sector. It provides a regulatory framework that aims to foster an environment in which creativity and innovation can flourish, and it enables people and companies to earn recognition or benefit financially from what they invent or create. This makes the IP system a perfect partner for continuing to boost tourism development, whether applied to tourism value chain providers or to destinations.

In spite of its key role in tourism, the IP system remains largely unexplored in this sector and could be further developed.

The competitiveness of each destination is based on both tangible assets and factors (such as natural and cultural resources) and intangible elements (such as image and branding), which can help differentiate products, services or destinations from the competition. For example, a slogan or new branding could be used to promote a destination, a certification mark could be used to endorse the quality of a product or service, or a geographical indication could be used to identify a well-known food or beverage produced in a particular region using traditional methods. The field of tourism innovation also offers myriad opportunities for developing IP strategies with new start-ups and entrepreneurs, whose inventions can be patented.

As IP contributes to the development of tourism products and to the reputational value of destinations, IP protection and management is becoming an increasingly important consideration for national tourism authorities (NTAs), national tourism organizations (NTOs), and destination management/marketing organizations (DMOs). There is growing awareness of the need to protect each destination's heritage and to capitalize on its tourism assets in order to generate value for local tourism stakeholders. This approach helps to accelerate the creation and development of small and medium-sized enterprises (SMEs), within a favorable environment that values local products and services. This in turn improves the destination's positioning and helps to build a strong and vibrant brand identity, enhancing consumer confidence and brand loyalty among visitors.

Tourism stakeholders and decision-makers can make the most of these rights by using the IP system in a strategic way. Better knowledge of the IP system helps not only to ensure the exclusive use of a protected intellectual creation, but also to attract investment and leverage fundraising opportunities. Within this context, the World Tourism Organization (UNWTO) and the World Intellectual Property Organization (WIPO) have coauthored this publication, *Boosting Tourism Development through Intellectual Property*, in order to:

- explore the general links between IP, tourism and culture;
- introduce the main types of IP right relevant to tourism in order to help readers to better understand the connection between IP and tourism, and to include IP in tourism policies, product development, destination branding, etc.;
- identify existing and potential IP tools for the promotion of tourism and of national, regional and/or local knowledge, traditions and cultural heritage;
- describe how different IP rights can be leveraged for fundraising purposes, as they have intrinsic economic value and can be traded in various ways according to different IP strategies (e.g., assignment, licensing, franchising, merchandising);
- identify and share good practices and case studies;
- provide relevant conclusions and recommendations on the links between tourism and IP to NTAs and NTOs, tourism policymakers and decision-makers, destinations (i.e., DMOs) and key tourism stakeholders; and
- explain how appropriately integrating IP rights can help to enhance competitiveness in tourism.

One of this publication's main conclusions is that the IP system plays a vital role in setting

up a favorable ecosystem for innovation, entrepreneurship and especially investment in tourism, and that it has a relevant role in the tourism value chain of products and services.

It also highlights the role that tourism and IP have in contributing to the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs) – specifically: SDG 8, Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; SDG 9, Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation; SDG 12, Ensure sustainable consumption and production patterns; and SDG 14, Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

A better understanding of the links between tourism and IP rights is therefore essential to leverage the IP system's full potential within this sector, boost tourism development and contribute to achieving the SDGs.



Introduction



Tourism is one of the fastest - growing economic sectors worldwide, driving sustainable socioeconomic progress and development. This sector has continued to expand, demonstrating its strength and resilience.

Each day, new actors break into the tourism scene and emerging destinations gain ground, attracting visitors and competing with other tourism destinations.

What is this publication about?

Effective intellectual property (IP) management is an important element in tourism development and competitiveness, and the promotion of local culture and creators. However, the links between IP and tourism remain underexplored, which is why the World Tourism Organization (UNWTO) and the World Intellectual Property Organization (WIPO) have joined forces to create this publication. The main goal is to outline the relationship between IP tools and strategies and tourism development, management and promotion, and to explore the potential benefits of further strengthening these connections.

This publication provides guidance on the relationship between tourism and IP for tourism policymakers, decision-makers, destinations and key stakeholders. It explains how appropriately integrating IP rights can contribute to enhancing tourism competitiveness. It also includes good practices, case studies and recommendations for national tourism authorities (NTAs) and national tourism organizations (NTOs).

For UNWTO and WIPO, both United Nations specialized agencies, this has been an exciting and enriching joint initiative. The outcome is expected to fill the gap in practical knowledge regarding how the IP system can enhance the tourism sector's competitiveness, and how applying an IP strategy to tourism can enhance fundraising and attract investment. From a broader perspective, this publication contributes to UNWTO's and WIPO's commitments to the Sustainable Development Goals (SDGs) and the implementation of the 2030 Agenda for Sustainable Development. Although tourism has the potential to contribute – either directly or indirectly – to all of the SDGs, it is mentioned as part of a specific target in SDGs 8 (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all), 12 (Ensure sustainable consumption and production patterns)

and 14 (Conserve and sustainably use the oceans, seas and marine resources for sustainable development). Intellectual property is a critical incentive for innovation, creativity and business competitiveness, which in turn are key to the success of the SDGs. SDG 9 (Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation) is at the core of WIPO's mission to lead the development of the international IP system for the benefit of all.¹

This partnership between WIPO and UNWTO reflects both organizations' commitment to the SDGs. It also aims to enhance understanding of their interrelated areas of work, and to create new opportunities for their members and other relevant stakeholders.

Who is this publication for?

This publication is mainly aimed at:

- NTAs and NTOs;
- destination management/marketing organizations (DMOs);
- businesses within the tourism value chain;
- other key tourism stakeholders, such as policymakers, decision-makers and trade associations related to tourism;
- training institutions for tourism management; and
- national IP offices and other IP policymakers.

Although nation branding has been widely covered in several essays, articles and publications,² an IP perspective has been included in these works on only a few occasions.³ Similarly, tourism destination branding has been subject to analysis by UNWTO,⁴ but an innovative approach including links with IP has not been explored. For these reasons, this publication will be a unique reference for public authorities.

What is the aim of this publication?

This joint publication, *Boosting Tourism Development through Intellectual Property*, aims to:

- raise awareness of the connection between IP tools and rights and tourism promotion;
- provide guidance on key aspects for

consideration in destination planning and management; and

- offer a set of recommendations for policymakers, decision-makers and other tourism stakeholders in the public and private sectors.

This publication does not provide detailed legal advice, because IP laws vary by country or territory. Stakeholders should seek legal advice based on their specific needs, priorities and destinations in the jurisdictions where IP right protection is sought.

What is in this publication?

In Chapter 1, the main arguments for using IP in tourism are laid out. In Chapter 2, the basic IP rights are described in non-technical terms, explaining their application to different parts of the tourism value chain. Chapters 3 and 4 focus on how IP rights work in practice, through a variety of case studies from around the world. Chapter 5 concludes with recommendations. The glossary at the end of the publication provides detailed descriptions and definitions of the tourism- and IP-related terms used in this publication, and a bibliography follows.

The case studies presented in this publication are summarized in Table I.1, showing the IP rights that are or could be used, their application to the tourism value chain and their contribution to the achievement of the SDGs.

Table I.1 Overview of case studies showcasing IP and tourism development

Case study	Country/Region	IP right	IP added value	Potential or existing good practice	Tourism value chain elements	SDG
1 Promoting partnerships between tourism and local providers for sustainable development in Turkey	Turkey, Europe	Certification marks	The certification mark identifies and connects local producers with the tourism sector and ensures quality standards.	Good practice	Accommodation Food and beverages	1, 8, 12, 13
2 Geographical indications as a tool for developing tourism and reviving the local economy in Cambodia	Cambodia, Asia	Geographical indications (GIs)	GIs help to build and promote a product or destination brand internationally, and to enhance sustainable tourism and drive local economic growth.	Good practice	Accommodation Food and beverages Leisure, excursions and tours	1, 8, 12, 13
3 Performing arts and copyright: creating innovative tourism products in Mexico	Mexico, Americas	Copyright	Copyright protects the work of the author (and potentially of the performer(s)), while reinforcing the competitive advantage of an innovative tourism product.	Potential	Leisure, excursions and tours	8
4 Boosting tourism opportunities through a beverage trademark in Sri Lanka	Sri Lanka, Asia	Trademarks	A successful, well-known beverage protected as a trademark leads to tourism business opportunities.	Good practice	Accommodation Food and beverages Tourism assets Leisure, excursions and tours	1, 8, 12
5 Fair Trade Tourism: a certification mark fostering sustainable tourism in Africa	Madagascar, Mozambique, South Africa and Zimbabwe, Africa	Certification marks	From Fair Trade to Fair Trade Tourism, the certification mark adds competitive edge and fosters sustainable tourism development.	Good practice	All tourism value chain elements	1, 8, 10,12
6 The collective mark as a tool for boosting local economies within the tourism value chain in The Gambia	The Gambia, Africa	Collective marks	Collective marks can unlock tourism value chain potential by strengthening partnerships between local businesses and creating economic opportunities within the tourism sector.	Potential	Transportation Accommodation Food and beverages Handicrafts Leisure, excursions and tours	1, 8, 12
7 Trademarks and tourism trails: a solid alliance to support job creation and the development of rural economies in Lebanon	Lebanon, Middle East	Trademarks	Trademarks offer legal protection to the owner and can be monetized to generate funds according to different IP strategies, e.g., licensing, merchandising	Potential	Accommodation Tourism assets Leisure, excursions and tours	1, 8, 12, 15
8 Using certification marks to target market segments in the tourism sector	Miscellaneous countries, such as Malaysia and Thailand (among others)	Certification marks	Certification marks serve a dual purpose: they provide a framework of conformity standards for products in those countries (i.e., Halal-certified products); and they help to establish a competitive edge and strengthen the destination's reputation in a specific tourism market segment.	Good practice	Accommodation Food and beverages Leisure, excursions and tours	8
9 Armani Hotel, Dubai, United Arab Emirates: a designer's hotel experience	United Arab Emirates, Middle East	Trademarks Industrial design rights	Design and trademark rights add significant value to tourism products, enabling a fashion house to establish itself rapidly in a highly competitive tourism sector.	Good practice	Accommodation Leisure, excursions and tours	8, 11, 17
10 Jamaica's sustainable Community Tourism Toolkit	Jamaica, Americas	Trademarks	Trademark licensing is an IP strategy, common in the IP system, which can enhance small community tourism enterprises.	Good practice	All tourism value chain elements	8, 12, 16, 17
11 Georgia's Chacha grape vodka: how a protected geographical indication can boost exports and tourism development	Georgia, Europe	Geographical indications	GIs not only protect goods that have a specific geographical origin and possess qualities or a reputation due to that place of origin, but also are a powerful IP tool to promote tourism destinations and stimulate local economies.	Good practice	Food and beverages Handicrafts Tourism assets Leisure, excursions and tours	1, 8, 12, 15
12 Living culture in the forest and Túcume Pyramids: the eco-museum	Peru, Americas	Trademarks Collective marks Certification marks Copyright Industrial design rights	An IP rights portfolio (including copyright, collective marks and trademarks/designs) enables an institution to be at the forefront of innovation, protect institutional materials and new designs, and promote sustainable development in inclusive ways.	Potential	All tourism value chain elements	8, 9, 11

Table I.1 (cont'd) Overview of case studies showcasing IP and tourism development

Case study	Country/Region	IP right	IP added value	Potential or existing good practice	Tourism value chain elements	SDG
13 Andalusia Lab, Spain: a successful public-private partnership model in tourism innovation	Spain, Europe	Trademarks Trade secrets	Trademarks, patents and trade secrets play a key role in boosting innovation hubs, accelerators, entrepreneurs and SMEs by ensuring their feasibility through adequate IP protection.	Potential	All tourism value chain elements	1, 4, 8, 9, 12
14 Refundit: revolutionizing tax-free shopping for tourists	Israel	Patents Trademarks	IP strategy serves as a barrier to entry for future competitors, trademark protection secures brand exclusivity for the app and builds trust among consumers, and strong IP portfolio attracts investors, assuring future funding for the startup.	Good practice	Handicrafts	8, 9, 17
15 Between the lake and the mountains, music reigns unrivaled in Montreux, Switzerland	Switzerland, Europe	Trademarks Copyright	A registered trademark goes beyond identifying a world-famous local event and extends to other leisure and hospitality sectors at international levels, benefiting associated business partners and artists through royalties.	Good practice	All tourism value chain elements	8
16 The 2010 FIFA World Cup serves as a springboard for South African tourism	South Africa, Africa	Trademarks Collective marks	Destination marketing can be used as a mechanism to develop global partnerships, attract investments at national level, obtain global media coverage and develop sustainable tourism.	Good practice	All tourism value chain elements	1, 8
17 China's integration of IP and sports-related objectives into national development and tourism strategies	China, Asia	Trademarks Collective marks Copyright Patents	IP can support sports-related objectives in national development strategies, driving tourism growth and fostering sustainable tourism and socioeconomic development.	Good practice	All tourism value chain elements	3, 8, 9, 11
18 Via Francigena paves the way in using the IP system	Italy, Europe	Trademarks	The IP system is a valuable partner in the management, quality control, revenue generation and brand positioning of multi-stakeholder tourism initiatives, such as thematic tourism routes.	Good practice	All tourism value chain elements	8, 12

Endnotes

- For further information, see: United Nations (n.d.). Sustainable development knowledge platform. <https://sustainabledevelopment.un.org/index.html>.
- See, e.g.: <https://www.goodcountry.org/simon-anholt/> and <https://www.ipsos.com/en-ca/news-polls/Germany-Retains-Top-Nation-Brand-Ranking-the-United-Kingdom-emerges-ahead-of-Canada-to-Round-Out-the-Top-Three-US-and-China-Experience-Significant-Divide>; See also: Anholt, S. (2007). *Competitive Identity: The New Brand Management for Nations, Cities and Regions*. London: Palgrave Macmillan; Anholt, S. (2010). *Places: Identity, Image and Reputation*. Palgrave Macmillan.
- See, e.g.: World Intellectual Property Organization (2012). *The Role of Intellectual Property, in Particular, Trademarks and Geographical Indications, in Creating, Developing and Strengthening a Nation Brand*. Geneva: WIPO. www.wipo.int/edocs/pubdocs/en/wipo_pub_transition_4.pdf.
- World Tourism Organization and European Travel Commission (2009). *Handbook on Tourism Destination Branding*. Madrid: UNWTO. doi: [10.18111/9789284413119](https://doi.org/10.18111/9789284413119)



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1. Why tourism?



Tourism is a key driver of socioeconomic progress. It is closely linked to export earnings, employment opportunities, social inclusion, women and youth empowerment, and it benefits a growing number of destinations.

This chapter will explain why tourism matters, by presenting the key trends and main challenges of a cross-cutting sector that brings economic benefits to others as diverse as construction, agriculture and telecommunications, and in both industrialized and developing countries.¹

A tourism destination is a physical space with or without administrative and/or analytical boundaries in which a visitor can spend an overnight. It is the cluster (co-location) of products and services, and of activities and experiences along the tourism value chain and a basic unit of analysis of tourism. A destination incorporates various stakeholders and can network to form larger destinations. It is also intangible with its image and identity which may influence its market competitiveness.

Source: World Tourism Organization (2019). *UNWTO Tourism Definitions*. Madrid: UNWTO. doi.org/10.18111/9789284420858

The *tourism value chain* is the sequence of primary and support activities that are strategically fundamental for the performance of the tourism sector. Linked processes such as policymaking and integrated planning, product development and packaging, promotion and marketing, distribution and sales and destination operations and services are the key primary activities of the tourism value chain.

Support activities involve transport and infrastructure, human resource development, technology and systems development and other complementary goods and services which may not be related to core tourism businesses but have a high impact on the value of tourism.

Source: World Tourism Organization (2019). *UNWTO Tourism Definitions*. Madrid: UNWTO. doi.org/10.18111/9789284420858

Introduction to tourism as a key driver of socioeconomic development

Tourism is one of the fastest-growing economic sectors and a catalyst for economic growth and development, with a significant impact on trade, job creation, investment, infrastructure development and social inclusion. In 2019, international tourism grew faster than the global economy for the ninth successive year, at 3.6 percent for travel and tourism versus 3.2 percent for global gross domestic product (GDP). International tourist arrivals increased from 697 million in 2000 to 1.5 billion in 2019.² This growth has been interrupted only in 2001 when it dropped to nil after 9/11, in 2003 as a consequence of SARS (-0.4%), in 2009 following the global economic crisis (-4%), and in 2020 when COVID-19 and related restrictions on mobility and travel delivered an unprecedented shock to the sector.

International tourism involves the cross-border movement of travelers, who then buy goods and services. This makes tourism destinations drivers for international trade, as tourists become international consumers and local businesses become exporters.

As the world's third-largest export category after chemicals and fuels, international tourism (including both international tourism receipts and passenger transport) generated USD 1.7 trillion in 2019, representing 28 percent of the world's services exports and 7 percent of overall exports in goods and services.

The tourism sector is the cluster of production units in different industries that provide consumption goods and services demanded by visitors. Such industries are called tourism industries because visitor acquisition represents such a significant share of their supply that, in the absence of visitors, their production of these would cease to exist in meaningful quantity.

Source: World Tourism Organization (n.d.). Glossary of tourism terms. www.unwto.org/glossary-tourism-terms.

The cross-cutting nature of tourism and its sustained growth over recent decades offer

immense opportunities for the overall advancement of the 2030 Agenda for Sustainable Development. As the 17 Sustainable Development Goals (SDGs)³ and the 169 corresponding targets focus the world on a new direction, tourism can and must play a significant role in delivering sustainable solutions for people, the planet, prosperity and peace. Tourism has the potential to contribute – directly or indirectly – to all of the SDGs, and in particular those that specifically relate to tourism:

- SDG 8, Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all;
- SDG 12, Ensure sustainable consumption and production patterns; and
- SDG 14, Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

As outlined above, tourism is a key vehicle for fostering economic and social growth, and a powerful force for inclusive and sustainable development. Its full potential can be achieved only through a management approach that embraces the principles of sustainable tourism⁴ and focuses on achieving the SDGs as we near 2030.

Toward these ends, it is critical to enhance the competitiveness of destinations and of the tourism experience, by encouraging stakeholders to innovate and develop new goods and services, and to leverage their intellectual property (IP) rights.

Trends and opportunities in tourism

The cross-cutting nature and deep social rooting of tourism offer many opportunities. The tourism sector has proven resilient and is an economic driver (especially in moments of global financial crisis and external shocks) thanks to its contribution to GDP and job creation. The number of employees in the tourism sector and the macroeconomic indicators related to international tourism are testaments to the sector's importance. Tourism contributes to social well-being thanks to its labor-intensive

nature and its multiple two-way links with diverse sectors of the economy, including infrastructure, transport, sanitation and communications.⁵

In the aftermath of COVID-19, tourism can once again fuel global recovery, with support from governments and international institutions. Jobs in tourism have a multiplier effect in the economy, and getting tourism to rebound will be critical to recovery from the impacts of COVID-19 on the economy and societies.

The diverse types of tourism⁶ – such as cultural tourism, urban tourism, rural tourism, business tourism, ecotourism and gastronomy tourism – offer a wide range of opportunities for destinations in both industrialized and developing countries.

However, the tourism sector is experiencing several challenges and undergoing paradigm shifts that may well accelerate, with COVID-19 driving: digital transformation – emerging disruptors including new tourism service platforms in accommodation, issues of mobility and visitors management, among many others.⁷ More than ever before, tourism authorities and stakeholders are aware of the need to enhance the competitiveness and sustainability of destinations, and to understand the legal aspects – including IP rights – of accessing and developing new technologies, to the extent that they are able.⁸

Several quantitative and qualitative factors are inextricably linked with the competitiveness of a tourism destination, including its capacity for innovation and its quality or brand value.

In a knowledge-based economy, the competitiveness of enterprises, including small and medium-sized enterprises (SMEs), is increasingly based on their ability to provide value-added products at a competitive price. In this sense, tourism destinations and tourism stakeholders need to gain a competitive edge. Effective IP asset management plays a key role in adding value to goods, services and tourism products, and in differentiating these from those of the competition.

The competitiveness of a tourism destination is the ability of the destination to use its natural, cultural, human, man-made and capital resources efficiently to develop and deliver quality, innovative, ethical and attractive tourism products and services in order to achieve a sustainable growth within its overall vision and

strategic goals, increase the added value of the tourism sector, improve and diversify its market components and optimize its attractiveness and benefits both for visitors and the local community in a sustainable perspective.

Source: World Tourism Organization (2019). *UNWTO Tourism Definitions*. Madrid: UNWTO. doi.org/10.18111/9789284420858.

A tourism product is a combination of tangible and intangible elements, such as natural, cultural and man-made resources, attractions, facilities, services and activities around a specific center of interest which represents the core of the destination marketing mix and creates an overall visitor experience including emotional aspects for the potential customers. A tourism product is priced and sold through distribution channels and it has a life-cycle.

Source: World Tourism Organization (2019). *UNWTO Tourism Definitions*. Madrid: UNWTO. doi.org/10.18111/9789284420858.

Endnotes

- 1 For further information on the impact of the COVID-19 pandemic on the tourism sector, see: World Tourism Organization (2020). *UNWTO Briefing Note: Tourism and COVID-19, Issue 1 – How Are Countries Supporting Tourism Recovery?* Madrid: UNWTO. doi.org/10.18111/9789284421893; World Tourism Organization (2020). *UNWTO World Tourism Barometer* (English version). 18(6). Madrid: UNWTO. doi.org/10.18111/wtobarometereng; World Tourism Organization (2020). 'COVID-10 response' (online), available at: www.unwto.org/tourism-covid-19 (14-12-2020); World Tourism Organization (2020). *UNWTO World Tourism Barometer, May 2020 – Special Focus on the Impact of COVID-19*. Madrid: UNWTO. doi.org/10.18111/9789284421930; World Tourism Organization (2020). *UNWTO Briefing Note – Tourism and COVID-19, Issue 1 – How are countries supporting tourism recovery?* Madrid: UNWTO. doi.org/10.18111/9789284421893; World Tourism Organization (2020). *UNWTO Briefing Note – Tourism and COVID-19, Issue 2. Tourism in SIDS – the challenge of sustaining livelihoods in times of COVID-19*. Madrid: UNWTO. doi.org/10.18111/9789284421916; World Tourism Organization (2020). *UNWTO Briefing Note – Tourism and COVID-19, Issue 3. Understanding Domestic Tourism and Seizing its Opportunities*. Madrid: UNWTO. doi.org/10.18111/9789284422111.
- 2 The statistics here and in the rest of the section come from World Tourism Organization (2019). *International Tourism Highlights, 2019 Edition*. Madrid: UNWTO. doi.org/10.18111/9789284421152; World Tourism Organization (2020), *UNWTO World Tourism Barometer*, volume 18, issue 2, May 2020, Madrid: UNWTO. doi.org/10.18111/wtobarometereng; For more on the impact of tourism on employment, see: World Tourism Organization (2019). *Compendium of Tourism Statistics, Data 2013–2017, 2019 Edition*. Madrid: UNWTO. doi.org/10.18111/9789284420421; World Tourism Organization and International Labour Organization (2014). *Measuring Employment in the Tourism Industries: Guide with Best Practices*. Madrid: UNWTO. doi.org/10.18111/9789284416158; World Tourism Organization (2008). *Sources and Methods: Labour Statistics – Employment in the Tourism Industries (Special Edition)*. Madrid: UNWTO. doi.org/10.18111/9789284412334; World Tourism Organization (2019). *Global Report on Women in Tourism, Second Edition*. Madrid: UNWTO. doi.org/10.18111/9789284420384.
- 3 The SDGs are a framework of 17 goals and 169 targets through which states, civil society and the private sector can guide and measure their contributions to sustainable development toward 2030. For more information about tourism and the SDGs, see World Tourism Organization (n.d.). What are the SDGs? <http://tourism4sdgs.org/tourism-for-sdgs/what-are-the-sdgs/>; World Tourism Organization and United Nations Development Programme (2017). *Tourism and the Sustainable Development Goals: Journey to 2030*. Madrid: UNWTO. doi.org/10.18111/9789284419401; See also: United Nations. (n.d.). Sustainable development knowledge platform. <https://sustainabledevelopment.un.org/index.html>.
- 4 Sustainable tourism can be defined as “tourism that takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, the environment and host communities”: United Nations Environment Programme and World Tourism Organization (2005). *Making Tourism More Sustainable: A Guide for Policy Makers*. Madrid: UNWTO. doi.org/10.18111/9789284411191.
- 5 World Tourism Organization (2019). *International Tourism Highlights, 2019 Edition*. Madrid: UNWTO. doi.org/10.18111/9789284421152.
- 6 For the full list of tourism types and their definitions, see: World Tourism Organization (2019). *UNWTO Tourism Definitions*. Madrid: UNWTO. doi.org/10.18111/9789284420858.
- 7 For additional information, please consult: World Tourism Organization (2017). *New Platform Tourism Services (or the so-called Sharing Economy): Understand, Rethink and Adapt*. Madrid: UNWTO. doi.org/10.18111/9789284419081; World Tourism Organization (UNWTO); Centre of Expertise Leisure, Tourism & Hospitality; NHTV Breda University of Applied Sciences; and NHL Stenden University of Applied Sciences (2018). *“Overtourism”? Understanding and Managing Urban Tourism Growth beyond Perceptions*. Madrid: UNWTO. doi.org/10.18111/9789284419999; World Tourism Organization; Centre of Expertise Leisure, Tourism & Hospitality; NHTV Breda University of Applied Sciences; and NHL Stenden University of Applied Sciences (2019). *“Overtourism”? Understanding and Managing Urban Tourism Growth beyond Perceptions, Vol. 2: Case Studies*. Madrid: UNWTO. doi.org/10.18111/9789284420629.
- 8 World Tourism Organization (2019). *UNWTO Guidelines for Institutional Strengthening of Destination Management Organizations (DMOs): Preparing DMOs for New Challenges*. Madrid: UNWTO. doi.org/10.18111/9789284420841.



Photo: todamo / iStock Editorial / Getty Images Plus



2. How can intellectual property support tourism development?

The purpose of this chapter is to provide an overview of the main types of intellectual property (IP) rights that are relevant to tourism. This will help the reader to better understand the connection between IP and tourism, and to include IP in tourism product development – from destination branding to tourism policies.

In the fast-changing and competitive world of tourism, it is increasingly important to differentiate products and services in the market. The perception of products and services as unique influences consumers' purchasing decisions. Differentiation often comes from intangible features that add value – such as cultural resources, authenticity, creativity, aesthetics, design, image, brand or innovative technology. Investing in this added value is a key element for success in the global market and this investment requires protection. The creator needs to secure the exclusive right to choose how to leverage these intangible assets.

This is where the intellectual property (IP) system emerges as a key element driving the dynamic evolution of the tourism sector. It can be applied to tourism value chain providers – for example, transportation, accommodation and hospitality, and tour operators – or to destinations.

The following sections of this chapter explore the role of creativity and innovation in the development of the tourism sector, and how different tools and strategies of the IP system apply to the sector.

What is IP and why promote it?

IP is traditionally divided into two branches: industrial property and copyright.

- **Industrial property** includes patents for inventions, confidential information (trade secrets), trademarks, industrial designs and geographical indications.
- **Copyright** covers literary works (such as novels, poems and plays), films, music, artistic works (such as drawings, paintings, photographs and sculptures) and architectural design. Rights related to copyright include those of performing artists in their performances, producers in their recordings, and broadcasters in their radio and television programs, among others.

IP refers to creations of the mind, including works of art; designs; inventions or computer programs; trademarks or other symbols, names or images used in commerce. IP rights can be viewed like any other kind of property right: the creator or owner has control over their property and can choose how others access and use it.

Countries have laws to protect IP rights for two main reasons:

1. To give statutory expression to the economic and moral rights of IP creators and owners and to the right of the public to access those creations.
2. To provide, as a deliberate act of government policy, a system of incentives to promote innovation and creativity and the dissemination and application of its results, and to encourage fair trading and competitiveness which can contribute to economic and social development.

IP law aims to safeguard creators and other producers of intellectual goods and services, by granting them certain generally time-limited rights to control how these intangible goods are used. Once the time limit is over, the legal protection ends and the goods become part of the public domain. Since their registration can be renewed, trademarks, as well as GIs and trade secrets, are exceptions.

There are several compelling reasons why IP should be protected and promoted, and why it can help to drive the development of the tourism sector.

- The progress and well-being of humanity depend on our capacity to develop new technological solutions and tools to regulate competition and to produce creative expressions.
- The legal protection of creations and innovations encourages the allocation of additional resources for further innovation and creativity.
- The promotion and protection of IP spurs competitiveness and economic growth, creates new jobs and industries, and enhances people's quality and enjoyment of life.

A balanced and efficient IP system can help countries to realize IP's potential as a catalyst for economic development and for social and cultural well-being.¹

IP rights can be subject to commercial transactions and can be traded in various ways. This means that they can be leveraged to create more monetary value. Along with the exclusive rights given to their owner, most IP rights can be commercialized, which makes them particularly relevant to the tourism sector.

IP rights are national rights and are protected by national laws. Protecting IP abroad, beyond a single jurisdiction, involves payment of fees for overseas registration. Similarly, enforcing IP rights beyond national borders also requires financial investment.

The tourism value chain consists of many activities and providers, including both primary and support activities, which are fundamental to the performance of this sector. The tourism marketing mix (product, price, place, promotion) is complex and may vary depending on the activity or industry involved. Nevertheless, IP rights can be incorporated into the promotional or marketing strategy of any goods, services, activities, products or destinations. For instance, a logo created and protected by a tourism destination is an IP right that is unique to that destination. The logo can be exclusively used by its owner in a promotional video campaign or it can be traded through a licensing agreement² with third parties. These third parties might then use it for promotional giftware and souvenirs, such as cups and T-shirts, generating revenue for the tourism destination.

Just as importantly, the IP system contributes to SDG 9 on industry, innovation and infrastructure as a critical incentive for innovation, creativity and business competitiveness.

How can IP rights be used in the tourism value chain?

Within the tourism value chain, myriad activities and inputs by different goods and service providers interact to make the tourism experience possible. Among these are hotels and restaurants, travel agencies, tour operators, tour guides and many other services.

Tourism is in a unique position to enable inclusive growth that benefits both the local businesses and the residents in the destination. For instance, tourism income can support the development of community-based products and experiences. This can help to advance rural areas and communities through tourism, create jobs, promote small and medium-sized enterprises (SMEs), or explore the potential of local arts and crafts and locally produced food within the tourism value chain.

Tourism is a multifaceted sector that is deeply interconnected with diverse sectors of the economy, including infrastructure, communications, construction, ICT, transportation, accommodation, culture, food and beverage, handicraft, jewelry, textiles and cosmetics, leisure and recreation, and so on.

Figure 2.1 illustrates the complexity of a typical tourism value chain. To the left lie those activities that take place in the outbound country (i.e., the tourists' country of residence). To the right are those taking place in the inbound country (i.e., the tourists' destination country). The lower half of the figure represents those activities that are a direct part of the tourism sector, while the top half shows activities that are indirectly linked to the sector. The potential development of tourism is highest in countries that manage to exploit these indirect links, through a broad range of activities. As will be seen in the following chapters, several IP rights and strategies can apply to the most important primary and support activities (illustrated in the bottom half of the figure).

Each type of IP right provides its own set of benefits to the owner, but there are some general benefits that apply to all. In general terms, IP rights in the tourism sector can help to:

- enhance the management of companies and tourism destinations;
- reinforce the quality of the tourism experience and/or certify compliance with standards and protocols to build confidence among tourists and

- improve procedures;
- increase the market value and/or the brand and reputational value of an individual company, association members or tourism destinations;
- boost strategic alliances and increase bargaining power;
- differentiate tourism destinations, as well as their products and services, from competitors, increasing their competitive edge;
- communicate the values and visions of companies and tourism destinations;
- attract investments and obtain financing, especially for SMEs;
- create new market niches; and
- add to the sales pitch.

It is important to bear in mind that, as with any investment, the investment in an IP strategy requires resources. Registration of IP rights may be fee-based and their enforcement may cost time as well as money.

What are the main IP rights relevant to tourism?

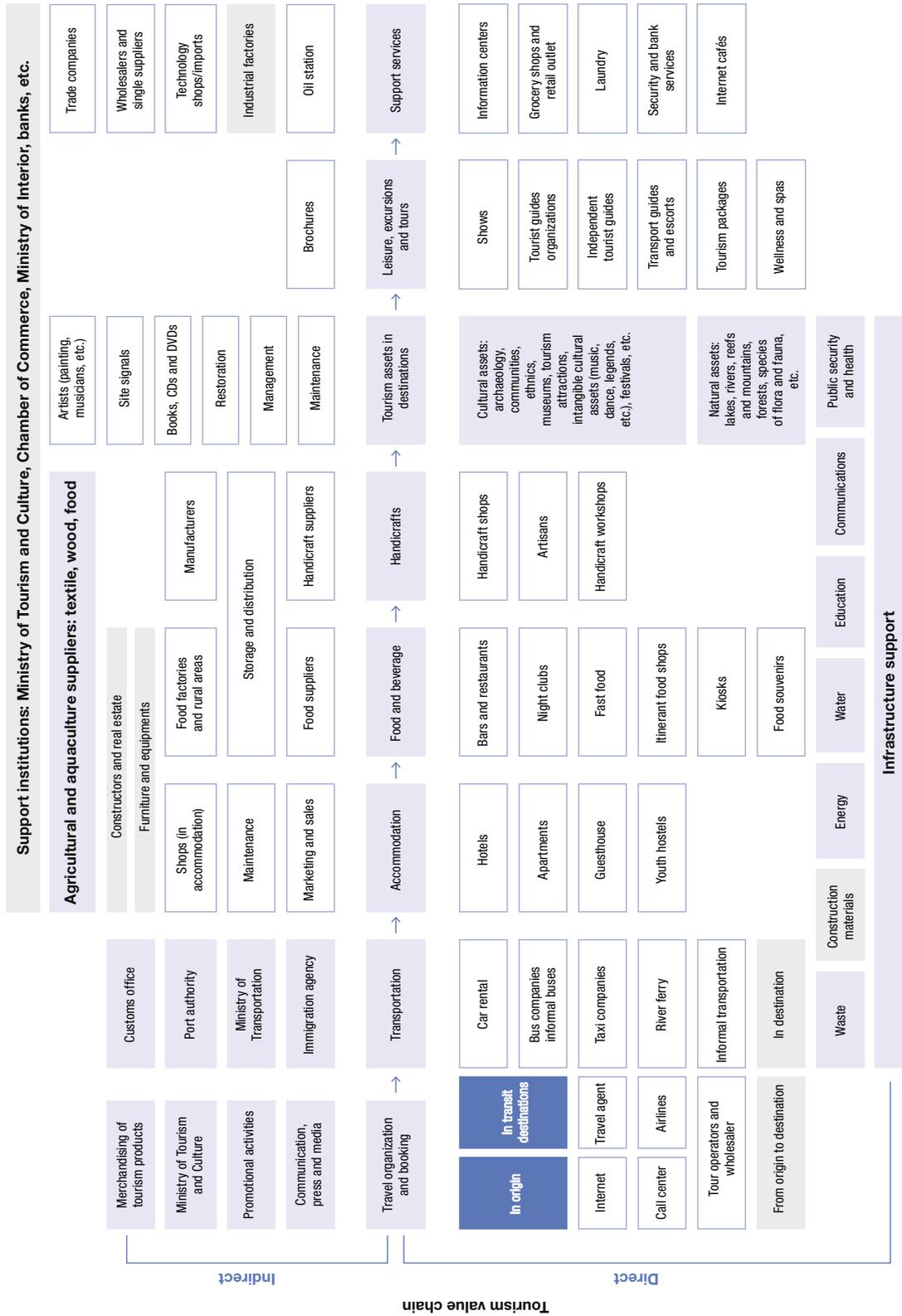
Faced with an increasingly complex tourism landscape, it is essential for all tourism stakeholders to have a solid understanding of the potential of IP and the value of an IP asset management strategy. Building a strong brand is critical in the service sector and tourism is no exception. Branding stands as one of the key factors for the competitiveness of a tourism destination.³ In an increasingly competitive environment, it is essential for destinations to know their competitive strengths, to understand their diverse customers and to identify where the destination sits in relation to its nearest competitors. This is the basis for developing a tourism brand strategy.⁴

The IP system provides a range of rights that can be applied to the tourism sector and which contribute to creating or strengthening the umbrella brand. These include, for instance, trademarks, certificate marks, collective marks or geographical indications.

In tourism destination branding, the umbrella brand can be referred to as an overarching brand, such as a country or nation brand, which is the main, high-level brand within a destination's brand architecture.

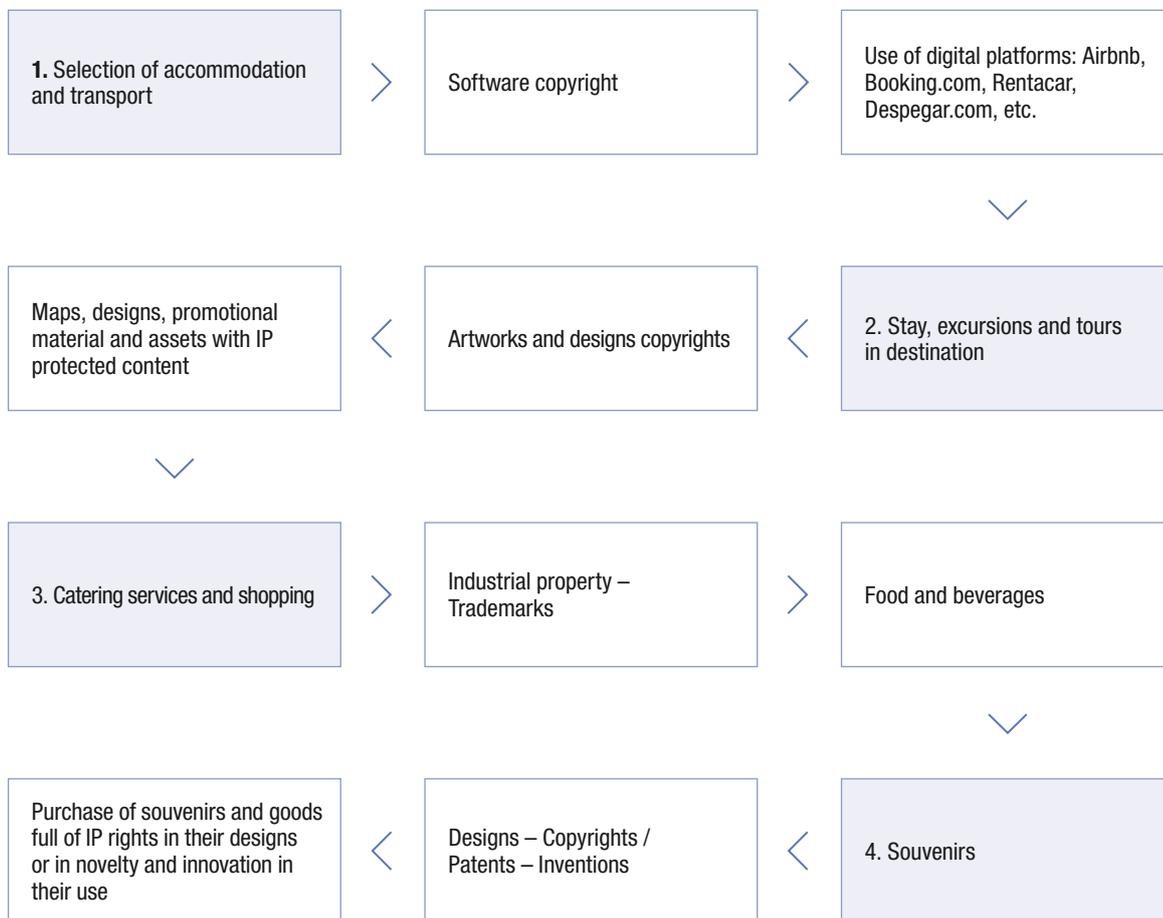
*Source: World Tourism Organization and European Travel Commission (2009). *Handbook on Tourism Destination Branding*. doi.org/10.18111/9789284413119*

Figure 2.1 Many parties are involved to make tourism work



Source: World Tourism Organization and European Travel Commission (2011), *Handbook on Tourism Product Development*. Madrid: UNWTO. doi.org/10.18111/9789284413959.

Figure 2.2 Intellectual property intersection in tourism value chain elements



But trademarks are not the only element that can be protected. Other intangible assets are often involved in the tourism industry, and these can be subject to IP protection through laws relating to copyright, patents, trade secrets and others. This will be further explored next.

Trademarks⁵

Destinations are increasingly realizing the importance of differentiating themselves and of building a niche market with a distinct appeal, in order to drive more tourist arrivals. Destination branding typically involves a trademark in the form of a word mark, registered logo and/or tagline or slogan. These distinctive elements are the foundation of branding and they should ideally be registered in the relevant national or regional trademark register. They should also be registered internationally, depending on various factors.⁶

Example of a trademark: the alpine resort of St. Moritz, Switzerland

The luxurious alpine resort of St. Moritz, in the Engadin valley, has long been famous for its remarkable achievements in Switzerland’s tourism sector. From being the first place in Switzerland to install electric lights in 1864, to launching the Alps’ first electric tram in 1896, St. Moritz has always been at the forefront of developing new tourist products. In the same pioneering spirit, the town was the first in the world to claim IP rights. It registered its sun symbol in 1937 and the name St. Moritz in 1986. Since 1987, the entire logo – including the “Top of the World” slogan – has been protected in more than 50 countries.

Source: Pirotti, G.B. and M. Venzin (2017). *Resilient Organizations: Responsible Leadership in Times of Uncertainty*. Cambridge: Cambridge University Press.

A trademark is a distinctive sign that identifies certain goods or services as being produced or provided by a specific individual or a company. By indicating trade origin, trademarks also function as a mark of quality and/or communicate specific characteristics. That a sign is being used as a trademark can be indicated by the registered trademark symbols, ® (where the trademark has been registered) or ™ (indicating an unregistered trademark right).

Trademark protection ensures that the owners of marks have the exclusive right to use them to identify goods or services. It also allows the owners to permit others to use them in return for payment. Trademark rights are initially time-limited national or regional rights. The period of protection can be extended through renewal (in general, every 10 years). In a broader sense, trademarks promote initiative and enterprise worldwide by rewarding their owners with recognition and financial profits. Trademark protection also helps to hinder unfair competition and provides the legal means of stopping malicious third parties, such as counterfeiters, from using similar or confusingly similar signs to market products or services without the authorization of the right holder.

Trademarks may comprise one word or a combination of words, letters and numerals. They may consist of drawings, symbols or three-dimensional signs, such as the shape and packaging of goods. Colours, multimedia, sounds and even smells are also capable of registration, as long as they meet the requirements for registration. In particular, this means that the sign must be distinctive (and not descriptive), so that consumers can distinguish it from trademarks identifying other products and identify it with a particular product or service. Before registering a new trademark, it is important to check that the same trademark does not already exist. Free databases of registered trademarks are an important resource in this respect.⁷

The field of Internet domains⁸ deserves special mention. There are two elements to the protection of a domain:

- the registration and protection of the domain name itself; and
- the protection of the content published on the website.

Sometimes, conflicts can arise over domain names. In tourism, this is mainly related to trademarks and geographical indications, but destination names can also be affected.

Example of a protected logo and protected Internet domain: visitmorocco.com

The website visitmorocco.com is the property of the Moroccan National Tourist Office (MNTO). The site is protected by copyright and related rights. It contains texts, images, photographs, logos and trademarks that are the property of the MNTO or, in the case of content owned by MNTO partners, for which permission to use has been obtained by the MNTO. These elements themselves are protected by industrial and intellectual property law.

As part of the general terms and conditions of visitmorocco.com, any partial or total use, reproduction or download of the site visitmorocco.com, or of one of its components such as text, images, photographs and logos, without explicit permission from the MNTO or rights holders is prohibited, except for private copying for personal, non-commercial purposes. Any breach of this article is subject to punishment under criminal and civil law, particularly with regard to counterfeiting or infringement of copyrights or related rights, resulting in the payment of damages.”

The MNTO has also registered several trademarks and logos used in the promotion of Morocco as a tourism destination with the Moroccan Office of Industrial and Commercial Property.

Source: VisitMorocco.com (n.d.). General terms and conditions. www.visitmorocco.com/en/general-terms-and-conditions

The following case studies offer further examples of good practice or potential in the use of trademarks in the tourism sector:

- Case Study 4, Boosting tourism opportunities through a beverage trademark in Sri Lanka (p. 52);
- Case Study 7, Trademarks and tourism trails: a solid alliance to support job creation and the development of rural economies in Lebanon (p. 55);
- Case Study 10, Jamaica’s sustainable Community Tourism Toolkit (p. 61);
- Case Study 12, Living culture in the forest and Túcume Pyramids: the eco-museum (p. 63);
- Case Study 13, Andalucía Lab, Spain: a successful public-private partnership model in tourism innovation (p. 68);
- Case Study 15, Between the lake and the mountains, music reigns unrivaled in Montreux, Switzerland (p. 77);



Photo: Sharrocks / E+ / Getty Images

- Case Study 16, The 2010 FIFA World Cup serves as a springboard for South African tourism (p. 82); and
- Case Study 17, China's integration of IP and sports-related objectives into national development and tourism strategies (p. 83).

Collective marks and certification marks⁹

Collective marks are, legally speaking, a category of trademark and they have been successfully used in the tourism industry. Collective marks are owned by an association or cooperative representing a group of people or businesses. All members of the association or cooperative can use the collective mark for goods and/or services that comply with criteria established by the association or cooperative.

Example of a collective mark: Logis de France

The Logis de France, Logis Hotels and Logis names and logos are registered trademarks of the Fédération Internationale des Logis (FIL). This association of independent hoteliers and restaurateurs promotes privately owned rural tourist establishments and guarantees a certain quality of experience, with a focus on respecting the local environment and promoting regional products. Belonging to the FIL ensures recognition and enhanced appeal, and enables individual establishments to develop sustainable competitive advantages. Today, the FIL has more than 2,000 members and encompasses over 2,400 hotels across Europe.

Source: Logis (n.d.). Home page. www.logishotels.com/

The owner of the collective mark is responsible for ensuring its members' compliance with certain standards (usually set out in the regulations concerning the use of the collective mark). The function of the collective mark is therefore to inform the public about certain features of the product or service for which the collective mark is used.

Collective marks are often used, for example, to promote products that are characteristic of a given region and which are linked to the historical, cultural and social characteristics of the area. In these cases, the creation of a collective mark not only helps to market the products domestically and occasionally internationally, but also provides a framework for cooperation between local producers. This is because the creation of a collective mark goes hand in hand with the development of certain standards and criteria, as well as a common strategy. Consequently,

collective marks can become powerful tools for local development. Associations of SMEs may therefore register collective marks to jointly market member SMEs' products and services and to enhance product recognition. Collective marks can be combined with the individual trademark of the producer of a given good or service. This allows companies to differentiate their own products and services from those of competitors, while at the same time benefiting from consumer confidence in the products or services offered under the collective mark.

Collective marks are therefore useful tools for SMEs, as they can help these businesses to overcome some of the challenges associated with their small size and isolation in the marketplace. National intellectual property offices (IPOs) can provide more information on the procedures for registering and using collective marks and certification marks, because procedures for legal protection can vary between jurisdictions.

Another type of mark used by a group is a certification mark. The owner of a certification mark allows anyone to use it, provided that they meet certain prescribed standards. These marks are given for compliance with defined standards, but are not confined to any membership; instead, they can be granted to anyone who can certify that their products meet certain established standards. In the tourism sector, certification is often furthest advanced in – but not limited to – quality and sustainability, and safety- and health-related areas.

In some countries, a difference between collective marks and certification marks is that the former may be used only by a specific group of enterprises (e.g., members of an association), whereas the latter may be used by anybody who complies with the standards defined by the owner of the certification mark. An important requirement for certification marks is that the entity applying for registration is considered "competent to certify" the products or services concerned.

Like collective marks, certification marks can be used together with the individual trademark of the producer of a given good. The label used as a certification mark shows that a product meets specific standards.

Both collective marks and certification marks heighten the reputational value of the certified product or service.

Although tourism businesses at large can leverage these IP rights (for example, health and safety certification seals can be used by accommodation and hospitality businesses, tour operators, destinations, etc.), two tourism-related productive sectors in particular can benefit from the use of collective marks and certification marks: the handicraft sector, with its relevance to cultural tourism; and the agri-food sector, with its relevance to gastronomy tourism and to rural tourism.

The following case studies offer further examples of good practice or potential in the use of collective marks and certification marks in the tourism sector:

- Case Study 1, Promoting partnerships between tourism and local providers for sustainable development in Turkey (p. 49);
- Case Study 5, Fair Trade Tourism: a certification mark fostering sustainable tourism in Africa (p. 53);
- Case Study 6, The collective mark as a tool for boosting local economies within the tourism value chain in The Gambia (p. 54);
- Case Study 8, Using certification marks to target market segments in the tourism sector (p. 56);
- Case Study 15, Between the lake and the mountains, music reigns unrivaled in Montreux, Switzerland (p. 77);
- Case Study 16, The 2010 FIFA World Cup serves as a springboard for South African tourism (p. 82); and
- Case Study 17, China’s integration of IP and sports-related objectives into national development and tourism strategies (p. 83).

Local handicrafts reflect the customs, values and daily life of the community by which they are produced. This is one of the most important characteristics of artisanship: it is the expression of a destination’s cultural, historical and social heritage. It involves maintaining a particular skill that has developed in a given territory, often out of pure necessity, and passing this down from generation to generation. Very often, places with a rich crafting heritage become tourism destinations, with handicraft production acting as one of the main drivers of tourism.

Example of a collective mark:

Vetro Artistico Murano, Venice, Italy

The collective mark “Vetro Artistico Murano” is a proof of origin provided by the Veneto region and certifies that products have been made on the island of Murano in compliance with its glassmaking tradition.

The trademark protects the image of Murano glass and guarantees the origin of the product and its specific production process, which is based on traditional artistic methods developed over a period of 1,000 years on the island of Murano.

In addition to enhancing an important aspect of cultural heritage, the brand reinforces the quality of the glass product and increases its market price by extension. This in turn boosts tourism, as visitors come to Murano not only to learn about the art of glassmaking, but also to find out more about the island’s history.

Source: Murano Glass (n.d.). Trademark. www.muranoglass.com/en/marchio/

Another example of how tourism can benefit from collective marks and certification marks is found in gastronomy tourism, where food clusters frequently join forces.

Gastronomy tourism is a type of tourism activity which is characterized by the visitor’s experience linked with food and related products and activities while travelling. Along with authentic, traditional, and/or innovative culinary experiences, Gastronomy Tourism may also involve other related activities such as visiting the local producers, participating in food festivals and attending cooking classes.

Eno-tourism (wine tourism), as a sub-type of gastronomy tourism, refers to tourism whose purpose is visiting vineyards wineries, tasting, consuming and/or purchasing wine, often at or near the source.

Source: World Tourism Organization (2019). *UNWTO Tourism Definitions*. Madrid: UNWTO. doi.org/10.18111/9789284420858

Creative food clusters are places that offer visitors an array of culinary tourism opportunities. These include food tours and farm visits, as well as complementary experiences, such as arts-related activities (e.g., cultural festivals).¹⁰ The development of food clusters for tourism purposes involves leveraging local agricultural and cultural resources, including elements of traditional knowledge (see next section on geographical indications).

Example of a collective mark: food tourism market, Peru

Peru’s food tourism market, for example, has great potential for further development. A food product of particular significance is mantecoso cheese, which is produced in the Cajamarca region in the

northern highlands of Peru. In addition to cheese production, the region is known for ecotourism, rural tourism and gastronomy tourism activities.

A collective mark is used by the cheesemakers in Cajamarca to market their products. This mark could be further exploited through a strategic collaboration with tour operators, who could leverage mantecoso cheese to promote the region to incoming tourists. As with other similar food products, this may include offering visitors guided tours of the cheese production facilities.

Source: Linking Collective Marks with Growth and Development <https://www.wipo.int/ipadvantage/en/details.jsp?id=2560>

Example of a certification mark: UNWTO.QUEST

UNWTO.QUEST is a destination management/marketing organization (DMO) certification system developed by the World Tourism Organization (UNWTO) to promote quality and excellence in tourism DMOs' planning, management and governance. UNWTO.QUEST is a strategic tool that allows DMOs to assess their performance, implement an improvement plan to achieve the criteria and standards of the certification, and enhance their governance management processes, and thus contribute to the competitiveness and sustainability of the destinations they represent.

DMOs that successfully meet the criteria and standards are awarded with the UNWTO.QUEST certification, valid for four years (with the possibility of renewal).



Source: World Tourism Organization (n.d.), 'UNWTO.QUEST' (online), available at: <https://www.unwto.org/UNWTO-quest> (14-12-2020).

Geographical indications and appellations of origin¹¹

A geographical indication is a sign used on goods that have a specific geographical origin and which possess qualities or a reputation as a consequence. Most commonly, a geographical indication consists of the name of the place of origin of the goods. An appellation of origin is a special kind of geographical indication.

An **appellation of origin** is a special kind of geographical indication used on products that have a specific quality, exclusively or essentially due to the geographical environment in which they are produced. Generally, this means that both the raw material sourcing and the processing of the product should take place in the place of origin. The term “geographical indication” encompasses appellations of origin.

Source: World Intellectual Property Organization (n.d.). Frequently Asked Questions: Geographical Indications. www.wipo.int/geo_indications/en/faq_geographicalindications.html

Geographical indications have supported the growth of rural tourism by enhancing tourism in agricultural rural (non-urban) areas. They may fall under an umbrella brand applicable to a whole region or they may be an independent, stand-alone destination brand. In the case of wine tourism, groups of small wine-production entities or wine-growing cooperative societies have been able to market themselves more effectively by selling under a single mark, referred to as a geographical indication, pertaining to their geographical location and the wine production site.

Example of an appellation of origin: Tequila

The red volcanic soil in and around the Mexican city of Tequila is perfect for growing *agave tequilana* Weber (blue agave). Fermented juices from these plants are distilled to produce tequila. This fiery Mexican liquor takes its name from this city in the state of Jalisco, where production began more than 200 years ago. While most tequila is produced in modern distilleries in the areas surrounding the city, a few tiny family-run businesses still use traditional production methods without sophisticated machinery. However, as production increasingly moves to the modern distilleries, there is a risk of losing centuries of valuable cultural knowledge.

Recognizing the value of blue agave – “liquid gold” – and its role as an integral part of the national identity, the Government of Mexico started to take measures to protect tequila as early as the 1970s. This led to tequila becoming the country’s first appellation of origin in 1974. In addition to defining the geographical areas in which tequila could be produced, the appellation of origin has enabled tourism to develop significantly in the region. The Agave Landscape and Ancient Industrial Facilities of Tequila have been listed as a cultural United Nations Educational,

Scientific and Cultural Organization (UNESCO) World Heritage Site since 2006.

While the Government of Mexico holds rights over the use of the name tequila, the Mexican Institute of Industrial Property (IMPI) is the only institution authorized to enforce these rights and prohibit any unauthorized use of the name.

Beyond securing considerable economic opportunities and curbing counterfeit threats, the appellation of origin has also helped to preserve a valuable part of Mexico's cultural heritage and traditional knowledge. This is because, as an important symbol of culture and tradition, tequila is far more than simply a national drink for the people of Mexico.

Source: United Nations Educational, Scientific and Cultural Organization (n.d.). Agave landscape and ancient industrial facilities of Tequila. <http://whc.unesco.org/en/list/1209/>

Although geographical indications may be used for a wide variety of agricultural products, their use is not limited to these. They may also highlight specific qualities of a product that result from human factors in the product's place of origin, such as specific manufacturing skills and traditions. This applies to agricultural products, wines and spirits, handicrafts and more. Geographical indications are understood by consumers to denote the origin and quality of products. Many of them have acquired a valuable reputation, which, if not adequately protected, may be misrepresented by commercial operators.

The reputation of specialty products with a geographical indication designation can provide opportunities for market diversification with potential spillover into the tourism sector. These products often come from UNESCO World Heritage Sites, which boosts the appeal for tourism and cultural heritage promotion further. Colombia coffee and tequila in Mexico, for example, are products with geographical indication designations that have a clear connection to food and drink tourism. Similarly, Idrija lace textiles in Slovenia and Olinala crafts in Mexico are examples of geographical indications in handicrafts and textiles that support tourism and cultural heritage. Rooibos tea in South Africa and argan oil in Morocco show how geographical indications can be linked to tourism and sustainability.

The following case studies offer further examples of good practice in the use of geographical indications in the tourism sector:

- Case Study 2, Geographical indications as a tool for developing tourism and reviving the local economy in Cambodia (p. 50); and
- Case Study 11, Georgia's Chacha grape vodka: how a protected geographical indication can boost exports and tourism development (p. 62).

Copyright¹²

Local cultural and artistic expressions are key elements of tourism services for host communities and destinations, as well as for tourists and visitors. The copyright system protects the work of local authors, performers and producers, and enables them to benefit financially from it, thereby incentivizing them to continue creating.

Copyright laws grant protection to authors, artists and other creators against the unlawful use and reproduction of their literary and artistic creations, generally referred to as “works.” In most jurisdictions, the right comes into effect automatically on creation of an eligible work. A closely associated field is “related rights,” or rights related to copyright that encompass rights similar or identical to those of copyright, except that these may be more limited and of shorter duration. The beneficiaries of related rights include performers (such as actors and musicians) in their performances, producers of sound recordings, and broadcasting organizations in their radio and television programs. Works covered by copyright include, but are not limited to, novels, poems, plays, reference works, newspapers, advertisements, computer programs, databases, films, musical compositions, choreography, paintings, drawings, photographs, sculptures, architecture, maps and technical drawings.

The creators of works protected by copyright, and their heirs and successors (generally referred to as “right holders”), have certain basic rights under copyright law. They hold the exclusive right to use or authorize others to use their works on agreed terms.

Various types of tourism material can also be subject to copyright protection, as they can be considered works of artistic creation. These include:

- promotional materials, guidebooks and leaflets, and logos (e.g., the Magical Kenya promotional brochure and logo by the Kenya Tourism Board);¹³
- websites (e.g., the official website of the Ministry of Tourism, Republic of Indonesia);¹⁴
- booking and reservation systems, online guest review platforms, and other online travel

- platforms and solutions providing tourism-related services such as plane tickets, accommodation, transport, insurance and other packages (see the next example below) which may be protected by copyright, or even by trade secrets, patents or a combination of these rights, depending on the national law of the country (essentially, the operational software and database are protected under IP rights, although the type and extent of protection can vary by jurisdiction); and
- images or audiovisual recordings of tourism destinations, tourism products, or cultural or heritage objects.

Example of copyright protection:

Despegar.com travel platform

Despegar.com Corp is an online travel company based in Argentina, operating across 20 countries in Latin America. It provides a broad range of travel products, including airline tickets, travel packages, hotel bookings and more.

The company’s one-stop marketplace draws on its copyright-protected database, enabling millions of users to find, compare, plan and purchase travel services and products through its websites and mobile apps.

Source: Reuters (n.d.). Despegar.com Corp. www.reuters.com/companies/DESP.N

Example of a protected logo and copyrighted website:

Wonderful Indonesia and Indonesia.Travel

The Ministry of Tourism of the Republic of Indonesia created the Wonderful Indonesia corporate logo and is responsible for the official destination website, Indonesia.Travel.

The terms and conditions of this website establish that: “The Wonderful Indonesia corporate logos are registered trademarks and protected by law. Any unauthorized use of the symbols or representations closely resembling the same are offenses that is punishable under the applicable laws [...]”

Wonderful Indonesia logo is registered in the Directorate General of Intellectual Property of the Indonesia (file no. IDM000650036) by the Ministry of Tourism of the Republic of Indonesia under Nice Classification no. 35.

The content in the website Indonesia.Travel is copyrighted and, according to the terms

and conditions: “Any and all editorial content, graphics, images, logos, sounds and multimedia works (the ‘Content’) on the Website are protected by proprietary rights, copyright, other laws and/or international treaties, and are owned by, licensed to, or controlled by The Ministry unless otherwise stated in the accreditation. [...] The design and layout of the Website are protected by intellectual property and other laws and shall not be copied in whole or in part No logo, graphic, sound, image or search engine from the Website may be copied or transmitted unless expressly previously permitted in writing by The Ministry.”

This is another example of protection of a logo created to promote a country as a tourism destination and owned in this case by the National Tourism Administration, which is also responsible for the official destination website, whose contents and search engine are also protected by intellectual property rights.

Source: Ministry of Tourism, Republic of Indonesia (n.d.). Term & condition. www.indonesia.travel/gb/en/term-condition

Copyright law also provides cultural institutions such as museums with an important legal mechanism protecting and promoting access to cultural heritage. Museums hold valuable assets, including assets that are their own copyright, such as the images of the works they acquire, preserve and exhibit and their communication about the works. These assets can be leveraged in different ways, such as image licensing, to support the institution’s mission, assuring the authenticity of these works, and to raise funds to preserve them and attract more visitors.

Example of footage and image licensing: British Museum

To help fund its activities, the British Museum licenses access to footage and images of its unique collection of over 2 million years of human history and culture.

With the help of innovative scientific techniques, the museum studies the objects in its collection to uncover where, how and when they were made. The results are photographed and the high-quality digital images are made available to license.

The museum also creates 3D scans of its collection, showing objects’ width, depth and height, and has a repository of high-

quality footage. These 3D scans and clips are also available for commercial licensing.

The British Museum is the owner of unique and authoritative content. By creating a copyright-protected visual library that can be commercially licensed, the museum is able to leverage the significant fundraising potential of its remarkable collection.

Source: British Museum (n.d.). Images. www.bmimages.com

The following case studies offer examples of good practice or potential in the use of copyright in the tourism sector:

- Case Study 3, Performing arts and copyright: creating innovative tourism products in Mexico (p. 51);
- Case Study 12, Living culture in the forest and Túcume Pyramids: the eco-museum (p. 63); and
- Case Study 15, Between the lake and the mountains, music reigns unrivaled in Montreux, Switzerland (p. 77).

Designs

From a legal standpoint, a design right protects the ornamental or aesthetic aspect of an article. From a designer's standpoint, however, the concept of a registered design is broader than this. In legal terms, a design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as lines, contours, patterns or color. These can entail graphic symbols, such as logos and emblematic designs, surface patterns and ornamentation. Design is one of the key factors that attracts consumers to a product or leads us to prefer using one product over another.

In the tourism sector, design rights are relevant in various areas, including interior design and furnishings, handicrafts and textiles, and product packaging. Goods often purchased by tourists, such as handicrafts, textiles and fashion (including items of clothing, handbags, jewelry and other accessories), may have original characteristics that could be protected by registered or unregistered design rights. Provided that they meet the criteria for protection, designs that are often associated with a particular place can be used to promote that destination for tourism purposes.

A design right grants exclusive IP rights to its creator either through legal registration ("registered designs") or automatically on creation ("unregistered designs"). It is easier to enforce

registered rights in the case of infringement. The term of protection is also typically longer.

The conditions for the protection of design rights largely depend on national legislation. A design that is essentially dictated by the technical or functional features of a product may not be eligible for protection. In addition, some countries exclude handicrafts from design protection, applying the system only to products manufactured by industrial means ("industrial designs"). In most jurisdictions, there is specific legislation to protect design rights whether registered or not (for example, registered Community designs and unregistered Community designs in the European Union). In some countries, however, industrial designs are protected as "design patents." The minimum duration of protection is usually 10 years for registered rights.¹⁵

Patents¹⁶

A patent is an exclusive right granted for an invention. An invention is a product or process that provides a new way of doing something or which offers a new technical solution to a practical problem. In tourism, booking and reservation systems and other ICT-oriented solutions can be protected by (software) patents, if the jurisdiction allows, or by a combination of patents with other IP rights, such as trade secrets or copyright.

Patents provide patent owners with protection for their inventions for a limited period – generally up to 20 years. (Renewals or "annuities" are required to keep the rights in force.) Patents also incentivize inventors by recognizing their creativity and offering the possibility of being rewarded for their marketable inventions. These incentives encourage innovation, which in turn enhances people's quality of life.

Patent protection means that an invention cannot be commercially made, used, distributed or sold without the patent owner's consent. A patent owner has the right to decide who may – or may not – use the patented invention during the period for which it is protected. Patent owners may give permission or a license to other parties to use their inventions on mutually agreed terms. They may also sell their patent rights to someone else, who then becomes the new owner of the patent. Once a patent expires or is allowed to lapse, protection ends and the invention enters the public domain. This is also known as coming off patent and it means that the owner no longer holds exclusive rights to the invention.



The Citi exhibition
object
Ian Hislop's
search for
dissent

6 September 2018 -
20 January 2019

citi

Final
media

Photo: santirf / iStock Editorial / Getty Images Plus



Photo: ad_foto / iStock / Getty Images Plus

In general, an invention must fulfill the following conditions in order to be protected by a patent. It must:

- be patentable subject matter;¹⁷
- show an element of novelty, meaning some new characteristic that is not part of the body of existing knowledge in its particular technical field;
- show an inventive step that could not be deduced by a person with average knowledge of the technical field (or be non-obvious); and
- be industrially applicable (or be useful).

In addition, the invention must be disclosed in a sufficient manner in the patent application.

The following case studies offer further examples of good practice in the use of patents in the tourism sector:

- Case Study 13, Andalucía Lab, Spain: a successful public–private partnership model in tourism innovation (p. 68); and
- Case Study 14, Refundit: revolutionizing tax-free shopping for tourists (p. 69).

Trade secrets¹⁸

Broadly speaking, any confidential business information that provides an enterprise with a competitive edge may be considered a trade secret. Trade secrets encompass manufacturing or industrial secrets and commercial secrets. Misappropriation of such trade secret information is regarded as an unfair practice and a violation of the trade secret, as protected by national laws.

The subject matter of trade secrets is usually defined in broad terms. It includes sales methods, distribution methods, consumer profiles, advertising strategies, lists of suppliers and clients, and manufacturing processes.

In the tourism sector, trade secrets may be relevant to, for example, customer databases (which might include customer identities and preferences), booking systems (including pricing and discount policies), or data and analysis tools (i.e., tools used for market intelligence and market plans and strategies in tourism destinations). An example of the latter is the big data project conducted by Ente de Turismo de Buenos Aires,¹⁹ which aims to provide the DMO with a tool to establish and analyze market information. This data can then be used to design new tourism products, develop marketing

strategies and evaluate the economic impact of tourism on the destination. This is an example of the type of information that companies and tourism destination managers (i.e., DMOs) could consider confidential and which would jeopardize their competitive advantage if accessed by competitors.

Traditional cultural expressions and traditional knowledge: a special case

Although there is no agreed international definition, traditional knowledge²⁰ can be understood as a living body of knowledge that is developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity. Essentially, traditional knowledge can be understood as knowledge, know-how, skills, innovations or practices that are passed between generations in a traditional context, and which form part of the heritage of indigenous and local communities who act as their guardians or custodians.²¹ Traditional knowledge is found in diverse sectors, from medicine to agriculture, and often in products and services along the tourism value chain, e.g., technical knowledge to elaborate a meal, medicinal knowledge to provide a wellness treatment.

The term “traditional cultural expressions”²² is used by WIPO to refer to the forms in which traditional culture is expressed. Traditional cultural expressions may be either tangible or intangible, or (most commonly) a combination of the two. They are handed down from generation to generation and are maintained, used or developed by their custodians. They are constantly evolving, developing and being created anew. In some cases, traditional cultural expressions are realized in the form of a service or a product that a local community in a tourism destination offers and makes accessible to visitors. An example would be a woven rug (a tangible expression) that expresses elements of a traditional story (an intangible expression).

Traditional knowledge and traditional cultural expressions are generally regarded as collectively originated and held, so that any rights and interests in this material should vest in the indigenous peoples and local communities that develop, maintain and identify culturally with them. This is also valid in cases in which traditional knowledge and traditional cultural expressions are developed by an individual

member of a community. In some instances, though, beneficiaries may also include recognized individuals within the communities, such as traditional healers or individual farmers. Typically, this recognition arises through customary understandings, protocols, laws or practices.

By their nature, traditional knowledge and traditional cultural expressions cannot be fully protected by the conventional IP system. In the field of tourism and community entrepreneurship, however, it has proven possible to protect some uses of traditional knowledge and traditional cultural expressions through existing IP rights, such as copyright and related rights, trademarks, certification and collective marks, geographical indications and industrial designs.

The relevance of traditional cultural expressions and traditional knowledge in tourism lies in their potential as an asset that can serve as a foundation for the creation or development of tourism products and services.

Copyright and related rights in the context of traditional knowledge and traditional cultural expressions

Traditional knowledge and traditional cultural expressions are important elements in the tourism sector; in some cases, they form the basis of a tourism product or experience. Contemporary original adaptations of traditional cultural expressions – made by members of a community or by third parties – may be copyrightable. For instance, handicrafts may be protected by copyright if they are original and possess artistic qualities.²³ Similarly, performances of traditional cultural expressions may come under international related rights protection. Depending on national legislation, performers may have rights in their sound and audiovisual performances, such as performances recorded in a music video or a film. In many jurisdictions, the rights may cover fixed performances, as in a CD or a film, as well as live or unfixed performances.²⁴

Because they may be protected by copyright or related rights, prior authorization could be required when using works that are based on traditional cultural expressions for commercial and other purposes. For example, a film of a traditional ceremony will likely be protected as a cinematographic work, a recording of a song will attract related rights, a contemporary adaptation of a folk song is probably protected under copyright

and photographs of traditional customs may not be used without the photographer's permission.

Trademarks, collective marks and certification marks in the context of traditional knowledge and traditional cultural expressions

Traditional knowledge and traditional cultural expressions may be directly or indirectly protected by trademark laws. This branch of IP is about the protection of established reputation, distinctiveness and goodwill, such as may be enjoyed by a traditional community in the production of handicrafts, artwork and other traditional products, which can be incorporated into the tourism value chain.

Example of traditional knowledge and traditional cultural expressions protected by trademarks and trade secrets: Siddhalepa

Ayurveda traditional medicine services include wellness treatments and treatments for diseases through Ayurveda hospitals, medical centers, Ayurvedic spa treatments and beauty care centers, offering opportunities in tourism promotion and the creation of health and wellness tourism products.

Siddhalepa (the balm), a well-known Sri Lankan brand, has pioneered medical tourism in Sri Lanka. In 2007, it secured a trademark for its Ayurveda resorts and spas. The flagship brand of the Hettigoda Group, Siddhalepa manufactures more than 150 Ayurveda medicines and health care, beauty, skin, oral care, wellness and spa products. The Siddhalepa Ayurveda Hospital and Ayurveda Resorts and Spas use more than 30 own-brand products, including Ayurvedic tonics, oils, teas, capsules, soaps and creams in their business operations. The company has used the concept of the Vedamahathmaya, or village doctor, to create strong brand recognition and now has a global presence. Ancient Ayurveda formulas and know-how embedded in Ayurvedic products and spa treatment have been kept as trade secrets.

Source: Sampath Punchihewa, N. (2019). *Intellectual Property in Tourism and Culture in Sri Lanka*. Geneva: WIPO. www.wipo.int/export/sites/www/ip-development/en/agenda/pdf/study_ip_in_tourism_and_culture_sri_lanka.pdf

Health tourism covers those types of tourism which have as a primary motivation, the contribution to physical, mental and/or spiritual health through medical and wellness-based activities which increase the capacity of individuals to satisfy their own

needs and function better as individuals in their environment and society.

Wellness tourism is a type of tourism activity which aims to improve and balance all of the main domains of human life including physical, mental, emotional, occupational, intellectual and spiritual. The primary motivation for the wellness tourist is to engage in preventive, proactive, lifestyle-enhancing activities such as fitness, healthy eating, relaxation, pampering and healing treatments.

Source: World Tourism Organization (2019). *UNWTO Tourism Definitions*. Madrid: UNWTO. doi.org/10.18111/9789284420858.

Collective marks and certification marks are particular types of trademarks that can be owned or used by groups of people, such as indigenous peoples and local communities. They indicate compliance with defined standards and can be used to safeguard the authenticity and quality of indigenous works.

A collective mark distinguishes the goods and services of members of an association, which is the owner of the mark, from those created by others. It offers an opportunity for associated artisans and producers to define the criteria of their traditional products, such as quality standards, according to their traditional knowledge processes. By being known collectively for the characteristics of their traditional knowledge and traditional cultural expressions, members of an association can create an additional competitive edge.

Certification marks involve similar benefits to collective marks, with the difference that a third party certifies a product or service as complying with certain standards or characteristics, such as geographical origin, material, mode of manufacture or quality.

Geographical indications in the context of traditional knowledge and traditional cultural expressions

In many cases, and due to their relationship with natural components and specific human skills, traditional knowledge or traditional cultural expressions are associated with specific locations. This makes traditional products strong candidates for geographical indications or appellations of origin, which inform visitors and tourism consumers that the traditional product has a specific geographical

origin and possesses qualities or a reputation that are essential to that origin. The geographical origin may be important because of natural factors (such as the local soil or climate) or human factors (particular skills, knowledge or traditions), or a combination of the two.²⁵

Some traditional cultural expressions, such as handicrafts, are protected indirectly using geographical indications – in particular, appellations of origin. Traditional knowledge and traditional cultural expressions can be included in the specifications or standards for the protected geographical indication, giving them indirect protection.

Example of a geographical indication in the context of traditional knowledge and traditional cultural expressions: the Montecristi straw hat

The Montecristi straw hat is made in the town of Montecristi in Manabi province, Ecuador, by expert weavers, and dates back to the 16th century. Its production involves a time-consuming and labor-intensive process that takes many steps such as harvesting the green leaves of the *toquilla* plant, boiling the fibers, the creation by expert weavers of intricate spiral patterns flowing outward from the center of the crown of each hat, the pounding of the rudimentary hats into their distinctive shape, and the addition of finishing touches that mean the hats do not have seams. In 2008, the Montecristi straw hat was recognized as an appellation of origin in Ecuador, thanks to the application filled by a group of *toquilla* fiber artisans.

Source: World Intellectual Property Organization (2017). *Protect and Promote Your Culture: A Practical Guide to Intellectual Property for Indigenous Peoples and Local Communities*. Geneva: WIPO. www.wipo.int/edocs/pubdocs/en/wipo_pub_1048.pdfedu/cspd/pdf/ip_indigenous-traditionalknowledge.pdf.

Design in the context of traditional knowledge and traditional cultural expressions

Ornamental or aesthetic elements found in a wide range of tourist accommodation in niche markets may be protected by design rights. The strategic use of design registration to protect ornamental or aesthetic aspects of furniture, for example, may indirectly promote a destination's cultural heritage and add value to the tourism experience. Hotel owners and designers can form commercial partnerships in order to introduce contemporary and/or traditional designs into local boutique hotels, or to achieve market differentiation and a competitive advantage.

Registered design rights can be useful for new and/or original designs in handicrafts, textiles and fashion, particularly if their appeal is expected to last for more than one season. Traditional cultural expressions are often a source of inspiration in the fashion industry. New or original designs featuring motifs that promote indigenous cultural heritage may be protected by IP rights such as designs. This means that registered design protection for traditionally inspired designs may help local fashion designers to promote their traditional creations to discerning tourists, while preventing competitors from producing similar designs.

Designs can also be copies of traditional cultural expressions. Where a design simply copies a traditional cultural expression, it will not meet the requirement of novelty or originality and so it should be possible to prevent it from being registered or, if it has already been registered, to have the registration cancelled.

Packaging is an important medium for communication and branding. It has a strong influence on purchasing decisions made at the point of sale, protects goods from damage, attracts consumers and provides useful information. These functions are served by the various design elements of the packaging. New and/or original ornamental or aesthetic aspects of packaging design that influence consumer behavior – such as color, shape, image, material, label and typography – may be protected by a design right and/or combined with other features to create a design that portrays the cultural heritage of the place associated with the product. Designs that embody the culture of a place in the packaging of consumer goods such as souvenirs may therefore promote the cultural heritage of tourism attractions. This can also prevent competitors from imitating designs that have significant consumer appeal, which can ultimately increase economic advantage.

Traditional knowledge and traditional cultural expressions are constant subjects of study in tourism, mainly due to their complexity and high value for the sector and for local economies.²⁶ WIPO provides guidance to communities regarding the strategic and effective management of their IP;²⁷ this benefits the local economy, contributes to the authenticity of the tourism experience, differentiates products and services, and can help to prevent counterfeiting or copying by outsiders. When dealing with traditional knowledge and traditional cultural expressions, the tourism sector should incorporate and understand the local communities' associated

values, and it should work with them through appropriate governance models to reach agreement on the conditions under which traditional knowledge and traditional cultural expressions are used, while preserving and further promoting the widest possible range of cultural assets and expressions.²⁸

The next chapter will establish and illustrate the specific ties between IP and tourism. These will be illustrated through examples of good practices for effectively using IP tools to boost tourism and case studies of how IP rights can potentially be used, whether throughout the tourism value chain, through tourism destination branding and promotion, or through tourism events and thematic routes.

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- 17 It should be noted that, in many countries, inventions relating to, for example, business methods and computer programs as such are excluded from patent protection.
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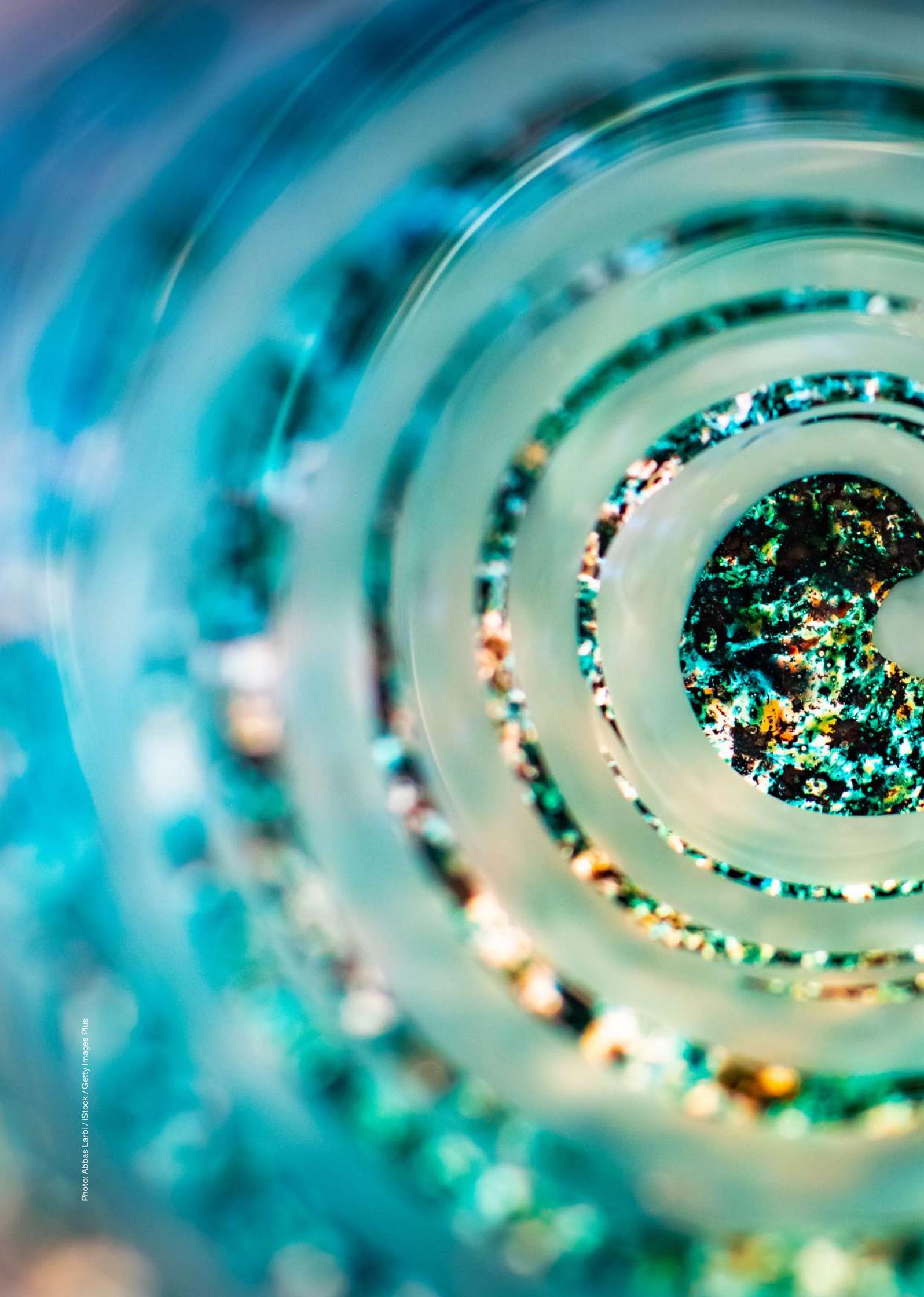
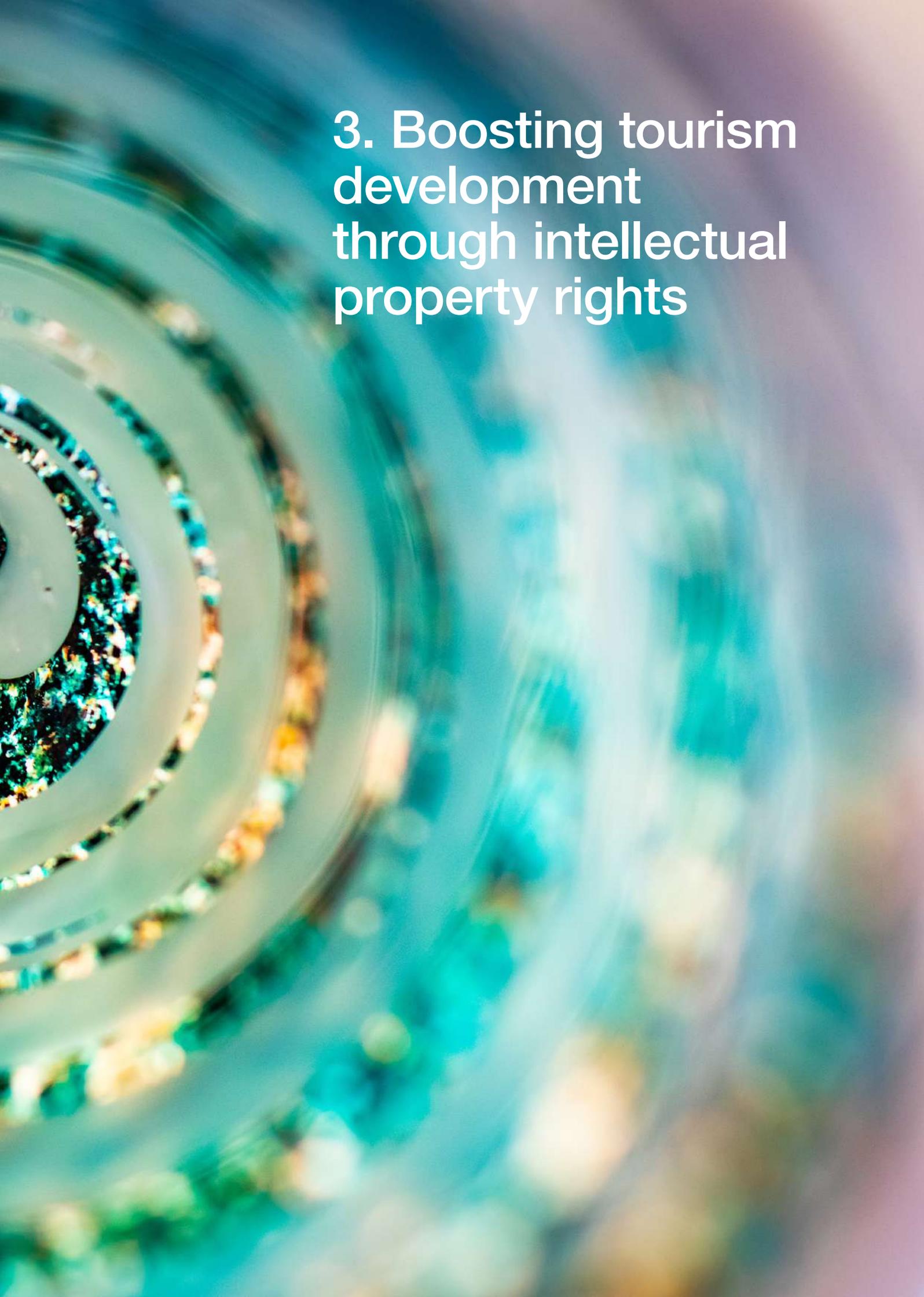


Photo: Abbas Larbi / iStock / Getty Images Plus



3. Boosting tourism development through intellectual property rights

This chapter will show how intellectual property (IP) strategies (such as assignment, licensing, franchising and merchandising) open up possibilities for increasing competitiveness, leveraging business opportunities and easing access to financing for tourism stakeholders.

Chapters 1 and 2 presented an overview of the importance of tourism as a driver of socioeconomic growth, inclusive development and sustainability. They also explained how an appropriate intellectual property (IP) strategy can contribute to strengthening competitiveness in the tourism sector. By means of case studies, this chapter will explore specific links between IP and activities within the tourism value chain. It will also identify the potential needs of tourism stakeholders that can be addressed through IP in both the public sector and the private sector. In addition to presenting the protective purpose of IP, this chapter will show how IP strategies (such as assignment, licensing, franchising and merchandising) open up possibilities for increasing competitiveness, leveraging business opportunities and easing access to financing for tourism stakeholders.

How can stakeholders in the tourism value chain benefit from IP?

The following case studies and good practices illustrate how the IP system can enhance the competitiveness of key stakeholders in the tourism value chain. Each case study follows a similar structure:

- it summarizes the main characteristics of the example (the “who, what and why”);
- it highlights the areas of the tourism value chain, the relevant IP rights and the Sustainable Development Goals (SDGs) that are affected;
- and it outlines the potential added value to tourism development.

A summary table of all of the case studies can be found in the Introduction (p. 13).

Case Study 1. Promoting partnerships between tourism and local providers for sustainable development in Turkey



Who

The Sustainable Tourism Charity Foundation, Turkey

What

Using IP rights to communicate messages of sustainable practices to visitors and elements of the tourism value chain

Why

Using certification marks supports and promotes the established partnership between the tourism and agriculture sectors

Background

Fethiye, located in southwest Turkey, boasts a wide range of tourism assets and an established tourism market. Although the area is famous for farming, agriculture seldom featured in the local tourism value chain. To address the missing link between these two sectors, the Travel Foundation developed the Taste of Fethiye project. One of the project's main objectives was to connect small and medium-sized local producers with larger tourism suppliers to support local development in a sustainable way.

IP added value

The project involved establishing the Taste of Fethiye brand and defining its specific quality standards, to help hoteliers to identify local produce and advertise this sustainable practice to customers. It is important to use the appropriate IP rights to protect these marks. For instance, because of the nature of the project and the fact that it is supervised by a third party, a certification mark could be used to maintain and protect the brand's message and locally produced quality standards.¹

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)



Case Study 2. Geographical indications as a tool for developing tourism and reviving the local economy in Cambodia



Who

A traditional pepper plantation, which began as a small-scale farm in Cambodia

What

A geographical indication drives tourism and creates jobs in rural areas

Why

Making Kampot pepper a protected premium product helps to attract tourists and stimulate the local economy

Background

Since the 10th century, a particularly fine variety of pepper has been grown and traded in the Cambodian province of Kampot, using ancient knowledge and expertise. Traditionally, the region produced tons of peppers each year, which were mainly consumed locally. But, in 2010, the Cambodian Government gave Kampot pepper the status of a geographical indication, transforming it into a premium product with export potential. As a result, pepper production started to grow, boosting exports and attracting to the region tourists from all over the world.

IP added value

By protecting Kampot pepper as a geographical indication, the Cambodian Government ensured that only authentic pepper produced in Kampot Province could carry this prestigious name. This made it possible for pepper producers to build and promote their brand and product range internationally. As production capacities expanded, so did opportunities to develop tourism and create new jobs for the local community. Currently, more than 30,000 pepper plants are grown on the plantation. The pepper farm has built its retail presence and now distributes its produce in shops, supermarkets and hotels, as well as online. It has also gained wider recognition and become a key destination for tourists in Cambodia, offering visitors the opportunity to experience the traditional plantations of the Kampot region and discover ancient recipes passed down through centuries of cultivation.

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)



Case Study 3. Performing arts and copyright: creating innovative tourism products in Mexico



Who

A private tour operator in Mexico

What

Increasing competitiveness through innovative tourism products and experiences based on traditional performing arts

Why

Using copyrights to protect intellectual creations in tourism and anticipate future challenges

Background

Promo Tur is based in Querétaro, Mexico, a colonial town that was named a World Heritage Site in 1996. This private tour operator has developed the Theatrical Trail project, an innovative initiative combining theater with tourism. The project's objective is to immerse tourists in traditional city legends at the historic sites associated with these legends. Promo Tur offers many performances with the support of more than 70 staff members, including actors and musicians.

IP added value

The Theatrical Trail uses plays to combine the historical setting with visitors' interests. This creative venture is protected by copyrights (or author's rights) to ensure that commercial profits are passed on to the playwrights.² For this to happen, it is essential to understand how copyright protects the author's creative output, while preventing potential competitors from using the works unless authorized by the right holder. The use of IP rights helps to protect competitive advantage in the sector. Furthermore, new types of copyright could be generated if the plays were later broadcast, filmed, recorded or rewritten as prose. Copyright could belong to the additional stakeholders, such as the performers, musicians, playwright, tour operator and even spectators, as relevant. Clear copyright agreements and visitor notices should therefore be in place in order to avoid future conflicts.³

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)



Case Study 4. Boosting tourism opportunities through a beverage trademark in Sri Lanka



Who

The Dilmah tea company, Sri Lanka

What

Using IP rights to leverage business opportunities in the tourism sector

Why

A successful trademark drives the development of tourism products

Background

The Dilmah tea company in Sri Lanka has successfully protected the Dilmah trademark for its product quality, ethics and business practices. As a result, Dilmah tea has become one of the most popular teas in the world. When consumers see the Dilmah brand, they know that it is not only of the highest quality, but also ethically grown and processed in Sri Lanka, ensuring that profits reach the local people.

IP added value

Building on this success, Dilmah has expanded into tourism by turning four tea estate bungalows in central Sri Lanka into luxury guesthouses known as the Ceylon Tea Trails. This innovative concept plunges tourists into daily life on a working tea estate and teaches them how to brew the perfect cup of tea. In 2011, Ceylon Tea Trails won a Travellers Choice award from TripAdvisor.⁴ The Dilmah company is an example of good practice in successfully using a trademark to turn reputation and quality into business opportunities in the tourism sector (in this case, accommodation and leisure experiences in rural areas). This shows the great potential that IP rights have to support new commercial opportunities in the tourism sector.⁵

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)



Case Study 5. Fair Trade Tourism: a certification mark fostering sustainable tourism in Africa



Who

Fair Trade Tourism (FTT), a nonprofit organization in Madagascar, Mozambique, South Africa and Zimbabwe

What

Use of a certification mark as a distinctive added value in the tourism sector

Why

Increasing added value and competitiveness of tourism businesses, and supporting sustainable tourism development

Background

In South Africa, the concept of fair trade has been extended to tourism enterprises. FTT is a nonprofit organization that promotes equitable and sustainable tourism development. Among its many initiatives, FTT certifies tourism businesses that meet its criteria based on fair labor, consumption and production, benefit distribution and respect for human rights. This certification system has been implemented in Madagascar, Mozambique, South Africa and Zimbabwe.

IP added value

By distinguishing their products or services, IP rights provide their owner/holder with a competitive advantage, as well as a means to of protecting creativity in all its different expressions. In this case, a certification mark enables visitors to distinguish businesses that meet the criteria of sustainable tourism. This adds value to the certified businesses and differentiates their products from those of competitors. FTT also provides guidelines for tourism businesses that wish to voluntarily improve their practices. These companies can later obtain the certification and take part in various networking, promotional and commercial activities along with other like-minded, certified tourism businesses.⁶

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)



Case Study 6. The collective mark as a tool for boosting local economies within the tourism value chain in the Gambia



Who

Association of Small Scale Enterprises in Tourism (ASSERT),⁷ the Gambia

What

IP rights supporting inclusive tourism growth in the tourism sector

Why

Unlocking tourism value chain potential through collective marks, strengthening partnerships and quality, and fostering local economies' opportunities within the tourism sector

Background

To address tourism challenges and opportunities in the Gambia, the country developed different strategies within the tourism value chain to support informal suppliers⁸ such as beach fruit sellers, guides, craft market vendors, tourist taxi drivers, small hotels and guesthouses. The aim was to distribute the benefits of tourism, particularly visitors' expenditure, among local economies, while at the same time reinforcing the destination's quality standards. The ensuing initiatives to regulate the informal economy through ASSERT, which were supported by the Department for International Development (DfID) in the United Kingdom,⁹ resulted in formalizing some SMEs and enabling them

to enter the tourism value chain. Guidelines were also provided, including a code of conduct and quality requirements for maintaining acceptable tourism standards.

IP added value

Supported by stakeholders in the formal and informal economies, this initiative has been proven to benefit local suppliers and improve tourists' experiences. In view of ASSERT's multistakeholder structure, the use of a collective mark to enhance the local tourism sector would be advisable. This would show visitors and other players in the tourism value chain which products meet the set standards. It could also reinforce partnerships both within the tourism sector (i.e., between local artisans and hotels, or between guides and tour operators) and with other sectors, such as the agricultural sector.

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)



Case Study 7. Trademarks and tourism trails: a solid alliance to support job creation and the development of rural economies in Lebanon



Who

Lebanon Mountain Trail Association (LMTA), with the support of the Lebanon Ministry of Tourism

What

Advancing job creation and development in rural areas through trademark and IP strategies promoting tourism initiatives

Why

Leveraging IP strategies to foster funding opportunities in tourism

Background

Given the undeveloped nature of tourism in rural areas, the Lebanon Ministry of Tourism launched the Lebanon Mountain Trail (LMT) project,¹⁰ with the support of the United States Agency for International Development (USAID). In 2007, the Lebanon Mountain Trail Association (LMTA), a non-governmental organization, was established to continue the project. The LMT covers 470 km and includes a World Heritage Site, biosphere reserves, protected areas, and more than 75 villages and towns.

IP added value

As part of the LMT project, guesthouse owners and guides received special training. The initiative was supported by the LMTA and the Ministry of Tourism guesthouse network, and involved encouraging hikers to stay longer and recommending hiring trained guides for safe and enjoyable hikes. The LMTA's self-financed structure is strongly supported by two hiking events. In 2017, the Thru-Walk event brought USD 60,000 in income to local communities through accommodation, restaurants and purchases, and hikers raised another USD 12,000 for the conservation of the trail.¹¹ The LMT's impact on the local economy is evident. A registered trademark could offer the opportunity to protect the brand and help hikers to identify the trained guides, guesthouses, annual events and official merchandise that fall under the LMTA umbrella. IP strategies, such as licensing and merchandising, could be used to support and leverage funding opportunities.

They also ensure the quality of branded services and products, preventing counterfeit products from entering the market.

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)



Case Study 8. Using certification marks to target market segments in the tourism sector



Who

Miscellaneous public and private authorities responsible for certification systems within, or applicable to, the tourism sector in Malaysia and Thailand (among others)

What

Certification marks as a tool to establish a competitive edge and strengthen the destinations' reputation in a specific tourism market segment

Why

Harnessing the potential of certification marks to target specific tourism market segments

Background

Certain cultural features are associated with customs and religious rites concerning food and dress. In particular, dealing with Halal food (permitted foods as prescribed in the Qur'an) requires special attention. By effectively meeting Halal standards, both public tourism authorities and the private sector can create a competitive advantage in the tourism sector.

IP added value

Malaysia was among the first countries to implement the Halal certification system, which is now one of the primary assets in the country's appeal to Muslim tourists. In Thailand, the Ministry of Tourism and Sports and the Halal Standard Institute of Thailand have launched the Halal Food Standard Certification for food shops, restaurants and hotels in major cities. The country has also brought the certification into the digital world, with a special app listing mosques, Halal restaurants and hotels, and other useful facilities for Muslim visitors. In this case, the certification mark serves a dual purpose: providing a framework of standards for products to conform to (i.e., Halal-certified products) and strengthening the destinations' reputation in a specific segment of the tourism market.¹²

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)





How can policymakers use IP rights in tourism destination promotion and branding?

Tourism destinations need to differentiate themselves from other destinations, and market themselves as offering unique and distinct tourism products. For example, many destinations have natural, cultural and built-environment resources, as well as assets, attractions and facilities. A destination brand can serve the purpose of uniting all of those attributes and experiences (sometimes referred to as the destination's DNA) under one logo or slogan. This can then form the essence of an umbrella brand, under which the different tourism experiences and tourism products can be built up.¹³

Tourism destination branding cannot be separated from the wider and more complex concept of nation branding,¹⁴ which can be directed at a specific sector such as tourism. Examples of nation branding campaigns include “Incredible India,” “Malaysia, truly Asia” and “South Africa, it's possible.”

The role of NTAs, NTOs and DMOs

A **national tourism organization (NTO)**, responsible for marketing a country abroad as a tourism destination, is, in general, either part of the national administration or an independent body [...]. When it is a part of the National Tourism Administration (NTA), various possibilities exist. The NTO may be part of a ministry that is responsible for tourism policy only, or it may be part of a ministry that is responsible for more areas of national policy [...]. In addition to their relationship with the tourism administration, NTOs generally have strong ties with regional and local tourism boards and the private sector.

A **destination management/marketing organization (DMO)** is the leading organizational entity which may encompass the various authorities, stakeholders and professionals, and facilitates tourism sector partnerships towards a collective destination vision. The governance structures of DMOs vary from a single public authority to a public/private partnership model with the key role of initiating, coordinating and managing certain activities such as implementation of tourism policies, strategic planning, product development, promotion and marketing and convention bureau activities.

The functions of the DMOs may vary from national to regional and local levels depending

on the current and potential needs as well as on the decentralization level of public administration. Not every tourism destination has a DMO.

Sources: World Tourism Organization (2006). *Structures and Budgets of National Tourism Organizations (2004<closed en dash>2005) (English version)*. Madrid: UNWTO. doi.org/10.18111/9789284411481; World Tourism Organization (2019). *UNWTO Tourism Definitions*. Madrid: UNWTO. doi.org/10.18111/9789284420858

The various mandates and remits of NTAs, NTOs and DMOs include a wide range of activities and functions (encompassing data collection and analysis, market intelligence, tourism policy formulation and implementation, strategic planning, promotion and marketing, and so on). Each of these entities therefore plays a key role in destination promotion and branding.¹⁵

A **destination brand** refers to the collection of perceptions that a person has of a destination based on the destination's **observable** characteristics, which differentiate it from all other destinations. It refers to a destination's competitive identity. It is what makes a destination distinctive and memorable. It differentiates the destination from all others. It is the foundation of the destination's international competitiveness. A destination brand represents the core essence and enduring characteristics of a destination; it is the DNA that defines the destination.

Source: World Tourism Organization and European Travel Commission (2009). *Handbook on Tourism Destination Branding*. Madrid: UNWTO. doi.org/10.18111/9789284413119

Destination brand creation and promotion are key elements of a destination's tourism policy, whether at the national, regional or local level.

Many authorities or entities are responsible for developing or owning such a destination brand – usually NTAs or NTOs, as well as DMOs at local and regional levels. These entities may allow tourism stakeholders in the destination to use the logo and/or slogan representing the destination brand in addition to, or in place of, a brand of their own. For this purpose, it is important that the NTA/NTO or DMO prepares a brand toolkit or guidelines on the terms of use of the logo from a legal and technical perspective. The guidelines should also explain the brand values. Legally speaking, they should include the conditions under which the logo or slogan can be used: who can use it, when/for what purposes (normally with a not-for-profit purpose) and where; the duration of the use; legal provisions in case of abuse or misuse – and so on. From a

technical perspective, the guidelines should also explain how the logo or slogan should be depicted (in terms of font, color, etc.). Often, written logo requests are required and users have to submit examples of their intended usage for prior approval. Generally, the applicant is required to provide every example of the way and of every situation in which it intends to use the logo. The purpose of this step is to demonstrate that the applicant will not use the logo in any situations that are likely to damage the reputation of the brand owner (the destination). With regard to the brand values, brand toolkits are used for training and capacity-building. This training is relevant not only for NTA/NTO and DMO staff, but also for brand stakeholders and advocates, who need to understand how to apply the brand to their own organizations' marketing communications and materials.

The key competencies that fall under the remit of DMOs, particularly at local and regional levels, are destination marketing, promotion, outreach and branding. This includes destination brand custodianship and the use of adequate tools to leverage revenues from an appropriate branding strategy. DMOs are becoming increasingly aware of the value and power of building a strong and vibrant brand that is closely connected to the values of the destination. Consistently delivering excellent value increases brand loyalty, and visitors are therefore more likely to return to the destination on a regular basis.

The vast majority of DMOs have an official brand strategy. In most cases, this is developed in collaboration with private and public sector tourism stakeholders and regional or national tourism boards. Moreover, for most DMOs, it is very important that stakeholders understand and support the brand. Many DMOs believe that their stakeholders use the destination brand in their own marketing communications very often or most of the time.¹⁶

The role of IP rights

NTAs, NTOs and DMOs might build destination brands using different tools, but trademarks and/or geographical indications can help to develop a brand image and, with it, a destination brand. This is because these types of IP right are commonly the most visible, effective, relevant and frequently used IP mechanisms for branding purposes.

A brand image is usually built around a trademark: a distinctive sign – such as a word, color, logo,

or slogan, or a combination of these – used to differentiate goods and services. Marks can be owned by an individual or company, by an association for use by its members (usually called collective marks), or by a certifying authority responsible for controlling the quality of the goods in question (usually called certification marks).

Similarly, a brand image can develop around a geographical indication – a sign used to specify the geographical origin (e.g., a city, region or country) of certain goods – which may also indicate a particular quality or reputation. Repeatedly using a trademark or geographical indication in connection with a particular kind of good or service can create a meaningful and positive image for the consumer.

A trademark or geographical indication can create a brand image that combines a destination's core assets and attributes (including cultural or natural resources, tourism amenities, and so on) with its emotional value (i.e., the feelings and attitudes visitors associate with the destination).

Tourism policymakers, whether at national level (NTAs/NTOs) or local level (DMOs), play a key role in the strategic planning of overall tourism development. Tourism product development is an integral part of this.

Tourism products are the basis of a destination's tourism sector operation.¹⁷ As already seen, a tourism product is a combination of tangible and intangible elements – such as natural, cultural and built-environment resources, as well as attractions, facilities, services and activities. These encompass a specific center of interest, representing the core of the destination marketing mix and creating an overall visitor experience for potential customers. A tourism product is priced and sold through distribution channels, and it has a life cycle. This means that, as with any other product, it can be marketed and branded. It can also be protected and commercialized by means of IP rights, which will help to distinguish the product from others and give it a competitive advantage in the marketplace.

Case Study 9. Armani Hotel, Dubai, United Arab Emirates: a designer’s hotel experience



Who

Armani Hotel in Dubai, UAE, where designers extend their signature style beyond luxury or branded goods to design hotels and residences

What

Signature hotels offer a unique tourist experience, capitalizing on the value of industrial design and global brands

Why

Industrial design can make a difference in the tourism and travel industry, adding significant value to related products and services

Background

Situated at Burj Khalifa, one of the most famous and tallest buildings in the world, the Armani Hotel Dubai opened its doors in the heart of the city in 2010. Following an agreement signed in 2005, Giorgio Armani S.p.A. has awarded a long-term license to EMAAR Hotel & Resorts LLC for the operation of the chain of Armani Hotels and Resorts, whereby EMAAR is fully responsible for real estate, construction, management and operations, while fashion designer Giorgio Armani oversees all aspects of content, interiors and amenities design and style, incorporating the various Armani fashion, furnishings and beauty collections. The inaugural hotel

features the personal touch of Giorgio Armani throughout its 160 rooms and suites, offering a unique blend of authentic Dubai hospitality and refined Italian elegance and style. Several roadshows were hosted by EMAAR in London, Moscow, Milan, New Delhi and Riyadh in the lead-up to the unveiling of the Armani Residences.

IP added value

The strategic use of industrial design enables Armani Hotels and Resorts to showcase Armani’s fine features across a variety of ornamental elements (spanning home accessories, furniture, lighting and textiles). Building on a thoughtful branding strategy, Armani is well established in a highly competitive tourism sector by the strength of the brand’s reputation and the designer’s signature style and aesthetic. In line with the brand’s philosophy of excellence in service, the Armani chain of hotels and resorts also promotes the cultural heritage of the destination, with tailored interior designs that delicately reflect traditional characteristics, offering added value for the tourism experience and sustainable competitive advantages to the brand.

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)



Case Study 10. Jamaica's sustainable Community Tourism Toolkit



Who

The Jamaica National Tourism Authority, in partnership with other public entities

What

Trademark licensing according to local and international standards

Why

Enhancing small community tourism enterprises through licensing

Background

Community-based tourism is a growing phenomenon. This presents Jamaica with a major opportunity to advance toward its goal of an inclusive tourism sector that contributes to the nation's economic and social development. In order to take advantage of this opportunity, a toolkit for monitoring and managing community-based tourism has been developed.¹⁸ This initiative also forms part of efforts to support communities and local enterprises to develop, sustainable community tourism experiences ready for the export market.

IP added value

The Community Tourism Toolkit was created through a partnership between the Ministry of Tourism, the Jamaica Tourist Board (JTB), the Tourism Product Development Company (TPDCo) and the Jamaica Social Investment Fund (JSIF). The Toolkit was created in response to the difficulties faced by small community tourism enterprises – from accommodation providers to adventure and community tour operators – in setting up and managing their businesses. It includes a handbook containing comprehensive information about running a sustainable and profitable community tourism business, and a step-by-step guide to obtaining a JTB license. Thanks to the Toolkit and accompanying training and capacity-building sessions, these enterprises are now better equipped to meet local and international standards. This is a good example of how an adequate IP protection strategy – and, in this case, trademark licensing – contributes to local economic and social development in the tourism sector under a public authority initiative.

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)



Case Study 11. Georgia's Chacha grape vodka: how a protected geographical indication can boost exports and tourism development



Who

Government authorities, along with Chacha producers in Georgia

What

The potential of a geographical indication in tourism development and promotion

Why

Protecting an important national brand, while increasing tourism and stimulating the local economy

Background

Georgia's long history of grape cultivation and wine production is reflected by its traditional national drink: Chacha, a strong spirit that is distilled from grapes. In 2005, the Government of Georgia enacted new IP legislation, the Law on Appellations of Origin and Geographical Indications of Goods (the AOGI Law). This law primarily allows the registration of appellations of origin and geographical indications for wines, spirits and mineral waters originating in Georgia. Many of the country's famous wines that make up the grape pomace from which Chacha is made – such as Atenuri, Kakheti and Tvishi – are registered internationally as appellation of origins.

IP added value

Obtaining a geographical indication for Chacha was one of the first steps that Georgia took to protect this important national product. This gives Chacha producers throughout the country a valuable tool for assuring their customers that they are purchasing authentic, traditionally made Georgian Chacha. The Chacha geographical indication therefore helps in two ways: it strengthens the brand internationally and increases exports; and it draws in visitors from abroad for wine tourism experiences (which may lead to travel to the wider Caucasus region). The Chacha geographical indication is something uniquely Georgian that the government and producers can leverage to bring in more tourism and foreign direct investment (FDI). For example, in the popular and up-and-coming resort of Batumi on the Black Sea coast, the local government has implemented a unique campaign based on the power of the Chacha brand. A 25 meter tower was built in the city center in 2012, with an observation deck, clock, pools and tourist information center. Outside the tower, an ornate water fountain flows with locally produced Chacha, instead of water, for 10 to 15 minutes each week. This creative initiative has the potential to increase tourism and stimulate the local economy.

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)



Case Study 12. Living culture in the forest and Túcume Pyramids: the eco-museum



Who

A cultural tourist destination captures the pre-Hispanic traditions of the Moche culture

What

An innovative eco-museum promotes sustainable tourism, while involving the local community in conservation work and tourism development

Why

Promoting innovation in the sustainable use of tangible and intangible cultural resources by transforming a traditional museum into a “museum without borders”

Background

The archaeological complex of Túcume in Peru's Lambayeque region, known as The Valley of the Pyramids, is one of the most important prehistoric monuments on the Moche Route. Located in a well-preserved dry forest, it is one of the largest and most impressive archaeological sites not only in Peru, but in all of South America. The museum housing Túcume's archaeological collection is one of the main attractions for international and domestic tourists visiting the region. Faced with an ever-growing number of visitors, the museum upgraded its facilities by transforming into an eco-museum. Local artisans, transport providers, tour guides, restaurants,

schools and other organizations now work together in this seamless space of “territory, heritage and community” to protect both tangible and intangible cultural resources.

IP added value

The attractiveness and the tourism potential of the Moche Route is undisputed and a Moche Route brand can now be developed, with the support of DMOs and other institutions involved in the tourism value chain. Additionally, the educational and promotional materials that the eco-museum produces are all eligible for copyright protection and will be owned by the museum (subject to agreement or assignment).

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)



How can IP rights promote tourism innovation and leverage fundraising?

The IP system provides an incentive to include added value in services and products, since IP rights provide a means of recovering and profiting from investment. In other words, increasing the quality of the material used to manufacture a product, or improving the quality of a service, can increase the value (reputation) of the brand. The product or service may then sell for a higher price and/or reach a wider audience or premium segment. For example, this can apply in the aviation industry to an innovative, patent, design or copyright-protected seat model used in business or first class.

Technical innovation can play an important role in enhancing the competitiveness and sustainability of the tourism sector. For example, the concept of a “smart destination” relies on five pillars: technology, innovation, governance, accessibility and sustainability.¹⁹ The first two pillars, technology and innovation, have proven helpful in enhancing the other three pillars. They can also help to address tourism challenges, such as managing increasing numbers of tourist arrivals in a destination without exceeding its carrying capacity.²⁰ A recent example of technical innovation in the tourism sector is the “Big Data project” by Ente de Turismo de Buenos Aires.²¹ The innovative technologies and know-how involved in this type of project can be protected through IP rights such as copyright, database rights, patents and trade secrets (depending on national laws). This highlights once again how the effective use of the IP system and IP strategies can be critical to harnessing a destination’s full economic potential.

In this case, copyright on the database(s) that support the platform – as well as database rights (to protect the collection of data), patents (for the underlying technology) and trade secrets (for the development and use of the tool) – could be considered, in order to protect the IP involved. This protection could then be leveraged to secure the investment needed to develop and manage the project.

Example of “Big Data” solutions applied to tourism destination management: Ente de Turismo de Buenos Aires, Argentina

As part of its destination management strategy, Ente de Turismo de Buenos Aires envisaged the creation of its own big data tool applied to tourism, with the objectives of designing new

products and a marketing strategy, as well as promoting tourism, and of monitoring and evaluating tourism performance and impact.

The initiative included the development of a platform of tourism indicators for government use, which would provide a wealth of information for strategic decision-making and tourism management, including data on: reservations and purchases of air tickets to Buenos Aires and to competitor cities, accounting of national and international tourists antennas and mobile phones, among other metrics. This requires a great deal of work in terms of data integration from nonproprietary databases and analysis of statistics generated, as well as efforts around obtaining investment in order to develop and manage the copyright-protected platform.

Sources: World Tourism Organization and World Tourism Cities Federation (2018). *UNWTO/WTCTF City Tourism Performance Research*. Madrid: UNWTO. doi.org/10.18111/9789284419616; Ciudad de Buenos Aires (n.d.). Observatorio Turístico. <https://turismo.buenosaires.gob.ar/es/observatorio>.

Tourism innovation requires investment, which can be expensive. This can be particularly challenging for entrepreneurs and startups seeking financing for their projects. The progression from an idea or initial research to a marketable product or innovation is often difficult, long and costly. Unfortunately, in many cases, inventions and innovations are considered high-risk investments and do not obtain financial support easily. Some of the specific factors that influence innovation are relationships between universities, financial institutions, governmental offices and industry networks. Since these factors can be influenced by national policies, part of a government’s strategy should be the establishment of special advisory and tech information services to support innovation.²²

Appropriate IP policies, an effective legal framework, robust operational infrastructure and effective education are key elements of an innovation ecosystem that leads to an innovative and competitive nation. In particular, a well-developed IP legal framework is the cornerstone of an effective innovation ecosystem. It is the foundation of an enabling environment that encourages entrepreneurs and businesses to invest in developing solutions to technological challenges.²³

The World Tourism Organization (UNWTO) advocates for the tourism sector’s investment in innovation and digital transformation.²⁴ Innovation in

tourism, as in other sectors, requires collaborative action between governments, academia, corporations, micro, small and medium-sized enterprises (MSMEs) and startups, investors, supporting business partners (accelerators, incubators, etc.) and other stakeholders. Fostering a successful tourism innovation and entrepreneurial ecosystem requires connecting all stakeholders to collaboration opportunities and prioritizing capacity-building in tourism and technology.²⁵

- Government and public entity policies that foster innovation, trade and the adoption of technologies generally promote innovation in tourism.
- Academia creates frameworks and models on sustainable innovation in tourism smart destinations and contributes knowledge to governments, startups, small and medium-sized enterprises (SMEs) and supporting business partners.
- Corporations develop new technologies, raise awareness internally about innovation, implement organizational structures and visions for technology, and invest in open innovation.
- Startups and SMEs – and microenterprises – develop and implement disruptive technologies in tourism to satisfy and reflect the needs and demands of travelers, and they create innovative tourism solutions that support the SDGs.
- Investors in sustainable projects related to tourism and technology, support the growth and internationalization of corporations, destinations, SMEs and startups.
- Supporting business partners work with startups that are directly or indirectly impacting the tourism value chain.
- Training tourism policymakers and managers on the basics of IP can enrich tourism management.

The development of this innovation ecosystem entails the creation and use of IP assets, since many new technologies are protected by IP rights. Some examples are software for hotel management and booking systems, databases, apps and even video games used to promote tourism destinations. All of these can be protected by copyright, for example. Patents are of particular interest for the transport industry – including in aviation, cruises and so on – with related patents filed every year for new seat models or airbag systems, for example.

The legal protection of new creations encourages the commitment of additional resources for further innovation. Innovation can contribute to the competitiveness and sustainability of tourism

destinations while bringing social benefits to the visitors. A good example of this is the use of smart technologies for accessible tourism.²⁶

Example of a smart technology aiming to make tourism accessible: ONCE Foundation, Spain

The ONCE Foundation of Spain won the UNWTO Award in Non-Governmental Organizations at the 15th UNWTO Awards with the AMUSE Project.

The AMUSE project is an innovative initiative that aims to turn museums and exhibition centers into inclusive smart environments that meet the needs and preferences of people with disabilities.

It is a mobile application, developed for Android and iOS operating systems, that provides access to the visual content of exhibitions, allowing visitors with disabilities to fully enjoy them.

The app is based on Beepcons, a smart beacon system developed by ILUNION Tecnología y Accesibilidad, which connects to the user's smartphone through Bluetooth. Beepcons allows users to obtain information in an accessible format and to locate objects in their surroundings. In addition, users can use the app to carry out self-guided tours or participate in games organized by a museum or art center. This tool includes a content-managing website that allows museum or art center personnel to add, customize and update the content available for their attraction.

The software in the app is protected by copyright and may be licensed on to others.

Source: <https://www.unwto.org/global/press-release/2018-12-21/finalists-15th-unwto-awards-announced> which refers to UNWTO Press Release PR No.: PR 18099 "Finalists of the 15th UNWTO Awards Announced". The date of verification of the link is 15-12-2020.

In addition to technological innovations, tourism businesses may also invest in creativity or quality. These investments in improving goods and services can also be protected through the IP system. Investments in research and development (R&D), product differentiation and marketing – which can grow the market and therefore increase revenues – can be protected by the IP system and thus give businesses exclusivity over the commercialization of their innovative, new or original products, their creative designs and their brands. This exclusivity creates an appropriate incentive for investing in improving tourism competitiveness.²⁷

Effective IP asset management helps to increase efficiency in the generation of innovative technologies, digital transformation, creativity and branding in the tourism sector.

There are several mechanisms that can be used to unlock the value of IP, the most common of which are as follows.

- **Licensing** can mean the start of a new business, expansion of an existing business or strengthening of a business's market position. In a licensing contract, an IP rights owner (the licensor) grants another subject (the licensee) a license to use and exploit their IP right under certain conditions and in exchange for an agreed payment in the form of fees and/or royalties.
- In a **franchising** contract, one subject, who has created and/or developed a particular way of doing business (the franchisor), gives another subject (the franchisee) the right to use the franchisor's way of doing business under certain conditions and in exchange for an agreed payment. The right to do business in a specific way that is granted through a franchising agreement is based upon specific know-how (e.g., trade secrets) and IP rights (such as the use of trademarks licensed by the franchisor to the franchisee). Thus the licensing of IP rights lies at the heart of franchising.
- **Merchandising:** (or character merchandising) contracts refer to a situation in which the essential personality features (such as the name or visual appearance) of a fictional character, brand name or logo (e.g., of a football club) or real person (or associated brand) are adapted or exploited in relation to various goods and/or services. Merchandising helps to attract customers to buy those goods and/or use those services based on the customers' affinity with the specific character that is the object of the merchandising contract.

Along with these strategies, IP can also be used to obtain financing (i.e., through venture capital and crowdfunding).

As explained earlier, not only do IP rights grant their owner the legal right to take action against unauthorized third-party use or reproduction of the protected intangible asset in their markets of protection, but also they can be socially and commercially exploited. Likewise, IP tools (patents, copyrights, trade secrets, trademarks, etc.) can be the basis of commercial agreements (i.e., cooperations, associations, etc.) with other

companies and stakeholders, mainly in the market and business sector. In this way, IP tools can be subject to monetization and financial transactions: they can be sold, used to obtain financing, used as security (for loans), and so on.

Applied to the tourism sector, this is particularly true in three cases, as follows.

- Destination **brands** or brands in the tourism value chain (such as in the accommodation and hospitality sector, among others) that have strong reputational value and recognition among consumers/clients may be commercialized through diverse contractual mechanisms.
- Artistic and **cultural assets** represent rich and diverse traditions and modern creativity in expressions such as dance, music, literature, drama, films, photography, visual arts, crafts and more.
- **Innovative intangible assets** may be new technology applied to the tourism industry for example, which has such an innovative component that it allows its creator or owner to obtain IP protection.

In these three cases, an appropriate IP strategy allows the owner to generate investments, obtain financing and income, access new technologies and markets, and obtain funding for R&D and related activities. This can be achieved by using contractual mechanisms and agreements such as franchising, joint ventures, licensing and so on.

Because IP rights are economically realizable, they can be used as security to obtain financing, generate investment, and underpin access to bank loans and other financial institutions' services and products. Legally speaking, IP rights are a transferable asset and, as such, they can be subject to a legal contract just like any other transferable asset (for example, they can be sold and traded, licensed, etc.).

This is why it is so important for tourism stakeholders to understand the huge commercial value of their brands and innovations, and to adequately assess their value as equity assets in their balance sheet. Some of the advantages of doing so include the following.

- **Value appreciation potential:** While most tangible assets depreciate, the value of IP assets usually appreciates (during the term of protection), if correctly managed.

- **Wider range of assets:** When providing financing, financial institutions need to insure the value of their loans; having strong IP assets represents additional security when granting access to financing.
- **Additional incentive to repay loans and greater security:** When IP rights are at the core of the business and offered as security, their owner will be more committed to repaying loans.

From this perspective, tourism industries and destinations involved in capital-intensive activities or in need of large capital flow to run their businesses should create strong IP assets and unlock their economic potential by developing and implementing appropriate IP strategies.

This type of strategy is also applicable to other types of financing mechanism, such as crowdfunding, venture capital or private equity. Although this publication will not delve into this, it is noteworthy that IP assets can be used to secure access to these financial mechanisms. This is particularly relevant for tourism startups and entrepreneurs, which require financing to launch and scale up their innovation projects, and which commonly find it difficult to obtain the investment needed – especially during the early phases, when risk is highest, and uncertainty around the project's success and financial viability often prevent innovative ideas or creations from becoming a reality in the market.

Example of crowdfunding in the hotel industry: Hard Rock Hotels, United States

Hard Rock International was founded in London in 1971 by Isaac Tigrett and Peter Morton. It provides all-inclusive experiences and exclusive amenities within all of its hotels and casinos across more than 70 countries, continuing its world-famous tradition of covering the walls of its establishments with rock and roll memorabilia since 1979.

While crowdfunding is usually seen as a vehicle for funding a new project or venture, it has expanded to the hospitality sector, as evidenced by the Hard Rock Hotel in Palm Springs, California, in 2015. A total of 85 accredited investors from across the United States became part owners of the hotel, after raising USD 1.5 million by purchasing crowdfunding shares.

Equity crowdfunding differs from donation-based crowdfunding, which typically results in lower levels of funding and smaller and/or

nonmonetary returns for funders. In the case of the Hard Rock Hotel, each contributor to the project received shares or equity in the project and benefited from various VIP deals at the hotel, showing the great potential of combining hospitality with crowdfunding.

Source: Clifford, C. (2014). This Hard Rock Hotel just raised \$1.5 million through crowdfunding. *Entrepreneur*, July 22. www.entrepreneur.com/article/235842

Case Study 13. Andalucía Lab, Spain: a successful public-private partnership model in tourism innovation



Who

Regional Government of Tourism and Trade of Andalucía, Spain, and the private sector

What

Trademarks, patents and trade secrets as crucial tools for innovation hubs and boosting SMEs

Why

Innovative solutions and digital transformation demand adequate IP protection to ensure their feasibility

Background

The Regional Government of Tourism and Trade of Andalucía, Spain, created Andalucía Lab²⁸ – a center for innovation in tourism – under the public company Turismo Andaluz. This unique project helps small businesses in the tourism sector to leverage technology solutions. The aim of this top-to-bottom transformation is to enhance the destination’s competitiveness in a sustainable way over time. It also encourages entrepreneurship as a generator of job and business opportunities.

IP added value

Andalucía Lab provides innovative and practical solutions to SMEs in the tourism and retail sectors, working hand in hand with private and public agents. It offers services and tools such as research and knowledge transfer through training and consulting, social networks, and advice on building brand reputation, including association with the Lab as a mark of quality, competitiveness and differentiation. These activities are likely to create materials that can be protected by IP rights – for example copyright, trademarks and trade secrets. Tourism innovation hubs, labs and accelerators need to be aware of these rights for two reasons: to address them in the right way within their own activities and initiatives; and to show SMEs, entrepreneurs and startups how a sound IP strategy can benefit business development.

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)



Case Study 14. Refundit: revolutionizing tax-free shopping for tourists



Who

Refundit, an Israeli startup

What

Making the EU VAT-refund process simple for tourists

Why

Harnessing innovation to meet global tourism challenges

Background

Refundit, an Israeli startup founded in 2017, offers an end-to-end fully digital service that facilitates VAT refund (tax-free shopping) for tourists in Europe – a scheme that handles some EUR 26 billion every year, 90 percent of which is never returned. The refund process is carried out through the app itself and via VATWISE, a digital backend system for governments, also developed by the startup. Refundit's new and fully digital process saves tourists time and money on their shopping through a user-friendly app, helping them to skip long lines and paperwork. It also offers huge benefits to retailers, authorities and governments alike: small and medium-sized retailers are able to attract tourists by offering refunds, while tax authorities benefit from the new digitized process and the efficiencies it brings. Refundit was declared the winner in the final phase of the inaugural Global Tourism Startup Competition, organized by the UNWTO and Globalia, and launched in June 2018.

IP added value

Refundit has developed its IP strategy based on a deep understanding that IP is an important asset for the company and that it creates a valuable barrier to entry for future competitors. The company's mission is to bring a disruptive, fully digital approach to the tourism world – and when “innovation” is at play, so is IP. The company has worked in close consultation with IP attorneys to explore where IP can be created along its journey. One of the measures the startup has adopted has been to consult with a top-tier IP firm regarding its IP assets. Refundit has also invested considerable amounts to protect its trademark rights, knowing that securing brand exclusivity for the app would help to provide clarity for the public and build trust. In terms of patents, Refundit is exploring submitting several patent applications around process, artificial intelligence and Big Data. Its strong IP portfolio is attractive to new investors, assuring future funding for the startup.

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)



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Photo: fotojog / iStock / Getty Images Plus

4. Intellectual property rights in events and tourism routes



Tourism trails, routes, and cultural and sporting events present some complexity in terms of intellectual property (IP) rights, and they therefore deserve a closer look and analysis.

This chapter will shed light on these important tourism products and the numerous intellectual property (IP) rights that can emerge. Relevant case studies will also illustrate how challenges related to IP protection have been addressed. However, there is no one-size-fits-all model or solution, so each stakeholder will need to adapt their IP strategy to meet to their unique needs. This diversity is illustrated with further case studies.¹

Tourism, cultural events and IP: a long-standing partnership

Events and festivals are major tourism assets, because they attract visitors to the host destination. Events generate an immediate economic benefit not only for the organizers, but also for local communities and businesses.

Tourism destinations can develop new tourism products within their event marketing strategy, whether through film, theater, music festivals or celebrations of historic anniversaries. Many countries and destinations see heritage and culture – including indigenous music and recordings of local artists and performers – as an asset in fully developing their tourism sector. The effective management of creative industries is vital to the success of the destination's branding strategy and the IP system is at the center of this strategy.

Museums and other cultural heritage institutions are major catalysts for tourism. Culture and heritage allow the tourism sector to create distinctive destinations and enrich the visitor experience. IP, and particularly copyright, laws are an important mechanism for promoting, enriching and disseminating cultural heritage. There are many opportunities for museums to leverage their assets and goodwill in ways that support and advance their mission. In turn, tourism generates substantial economic returns, which justify any investment made in safeguarding cultural heritage and which can be channeled back into conservation projects and boosting local employment. However, in the process of standardizing and modifying cultural assets for use in cultural tourism, there is a risk of losing authenticity. This is where museums play a vital role in contextualizing and assuring the integrity of cultural heritage. Again, this presents significant commercial opportunities for

museums to offer value-added cultural services and experiences for visitors, supported by the appropriate use of copyright and branding.

Cultural tourism is defined as “a type of tourism activity in which the visitor’s essential motivation is to learn, discover, experience and consume the tangible and intangible cultural attractions/products in a tourism destination.

These attractions/products relate to a set of distinctive material, intellectual, spiritual and emotional features of a society that encompasses arts and architecture, historical and cultural heritage, culinary heritage, literature, music, creative industries and the living cultures with their lifestyles, value systems, beliefs and traditions.”

Source: World Tourism Organization (2019). *UNWTO Tourism Definitions*. Madrid: UNWTO. doi.org/10.18111/9789284420858

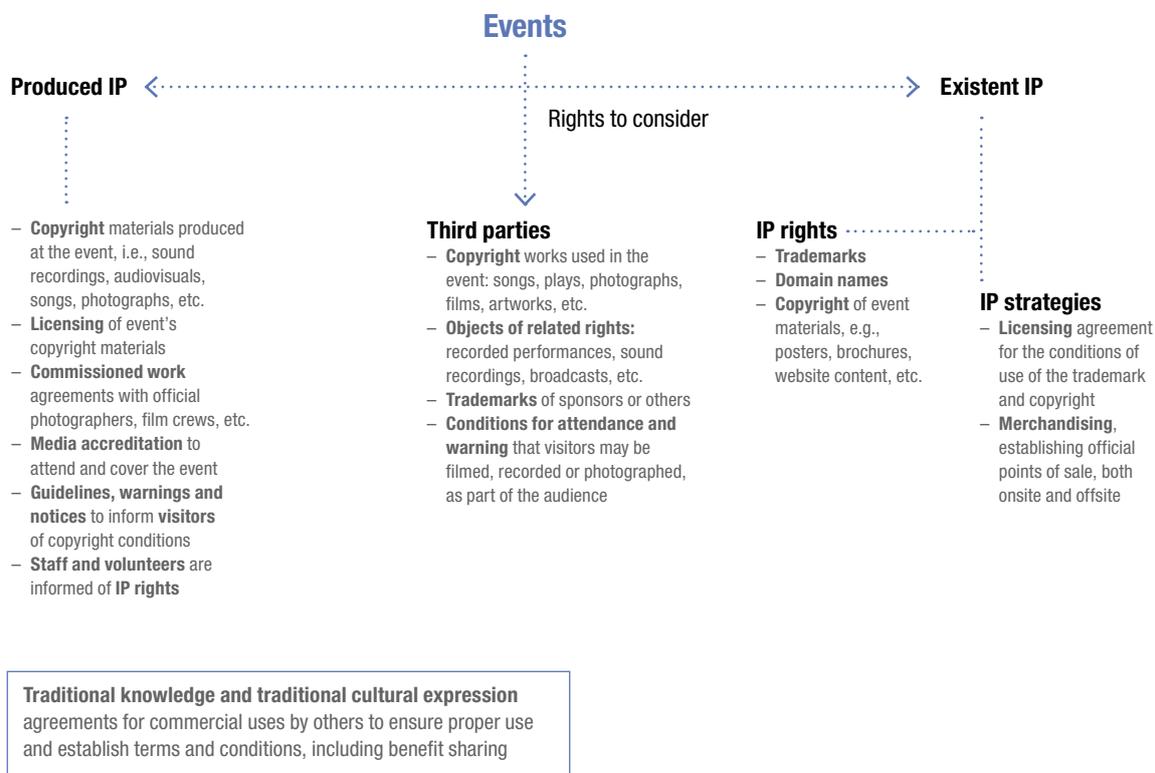
Translating the intangible wealth emerging from the creative industries into economic growth requires the IP protection of music, arts, dance, theatrical productions and all other creative expressions. This stops illegitimate actors from infringing on the creator or owner’s assets, and it prevents piracy and counterfeit goods and services. Effective protection requires a strategic approach from the public sector,² as well as from skilled private-sector IP managers and entrepreneurs, in order to maximize IP value – in particular, brand equity (i.e., the value of the brand). Destinations can achieve economies of scale by applying the IP system to their creative industries. Booming tourism in a country or destination reflects a strong marketing return on investment (ROI) associated with the creation and development of a reputable, well-known destination brand.³ In order to make this a reality, governments, destination management organizations (DMOs) and entrepreneurs alike need to be trained in IP rights and strategies, which include, but are not limited to:

- identifying IP assets;
- protecting, including registering, IP rights;
- monitoring the use of IP rights and assessing their impact;

- exploiting and developing IP rights strategies (licensing, etc.); and
- taking action against possible infringements of protected IP rights.

Music is increasingly becoming a primary driver for tourism in many destinations. This is a relatively recent phenomenon with great potential to add unique value to destinations. Some are already reaping the rewards of music tourism, such as Colombia, which has developed a pioneering international tourism campaign focusing on music as an expression of the country’s cultural richness and diversity. In total, 13 music videos were produced, featuring more than 20 renowned Colombian artists. Music has become the key focus of the country’s tourism promotion strategy, and ProColombia, its tourism board, partners with tour operators and travel agencies to offer music tours around the country.⁴

Figure 4.1 Links between tourism and IP in cultural and sports events



In other countries, many travel agents offer tours of the world's music scenes, such as Liberty Travel's "Music Cities: Nashville and Memphis Escorted Tour" and the STA Travel Beats series, which provides group travel packages that revolve around festivals and music.⁵

**Example of a trademark notice:
Festival of Pacific Arts, FESTPAC**

The Festival of Pacific Arts (FOPA), now known as the Festival of Pacific Arts and Culture (FESTPAC), seeks to promote cultural exchange and strengthen bonds between the nations of Oceania. FESTPAC is the world's largest celebration of indigenous Pacific Islanders with the active participation of artists, performers, cultural professionals, academics and authorities from member nations of the Pacific Community (SPC). FESTPAC was first held in Suva, Fiji, in 1972 and is held every four years in different member countries, with the 13th event, scheduled for 2020, being hosted in Hawaii.

At the 11th FOPA in the Solomon Islands in July 2012, the following trademark notice was released:

"The Festival of Pacific Arts mark is a trademark of the Committee of the Festival of the Pacific Arts. The name and logo are used under license by the Solomon Islands Government, for hosting the 2012 Festival.

The Solomon Islands Festival of Pacific Arts logo is the official logo and is owned and managed by the Solomon Islands Government's Department of Culture.

No unauthorized use is permitted."

Source: Pacific Community (n.d.). *The Festival of Pacific Arts & Culture*. <https://festpachawaii.org/>

Case Study 15. Between the lake and the mountains, music reigns unrivaled in Montreux, Switzerland



Who

The Montreux Jazz Festival, which attracts renowned musicians and visitors from all over the world every year

What

Music, technology and tourism mutually reinforcing each other's potential

Why

The Montreux Jazz Festival brand continues to rise in value, thanks to a successful mix of marketing, festival management and innovative technology solutions

Background

Continuing a tradition that began in 1967, at the height of summer each year, music lovers from all over the world gather in the beautiful lakeside town of Montreux to watch their favorite artists perform. For tourism-related enterprises, it is peak season. While the festival is a hub for music fans and a major event for Swiss tourism, the Montreux brand has also inspired a series of innovations in the music industry, bringing festival hits to more than half a billion YouTube viewers since 2008.

IP added value

The brand of the Montreux Jazz Festival, itself protected by a registered trademark, extends to other leisure and hospitality business ventures that tourists are likely to encounter beyond the Montreux Riviera's dramatic landscape. The Montreux Jazz Café, for example, is a chain of cafés with a musical theme, located in Geneva, Lausanne and Paris. Montreux Jazz Shops sell licensed merchandise bearing the well-known trademark to festival attendees and online customers all over the world. Promotional materials featuring the trademark are widely used by sponsorship partners and authorized local businesses providing auxiliary services (i.e., hotels and restaurants). The performing artists reap the benefits of the Montreux Jazz Festival brand, too. From Aretha Franklin and Ray Charles to David Bowie and Prince, more than 15,000 hours of concerts have been recorded (in both audio and video format) since the festival's creation, and they continue to generate royalties for the artists (or, in these instances, their estates) through copyright and related right systems (e.g., music royalty collection societies).

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)





Photo: Bogdan Lazar / iStock / Getty Images Plus

Sports and mega events: where tourism and IP meet

Sport creates communities of players and fans alike, and it is a USD 300 billion-plus economic engine that provides jobs around the world.⁶ When it comes to sports and mega events – such as the Olympic and Paralympic Games, Expo or the FIFA World Cup – many success stories come to mind. The Barcelona and Sydney Olympic Games⁷ marked a turning point in the history of these two cities, and both left a lasting legacy that goes beyond sports. Although these types of event are undoubtedly a tourist attraction, they can provide benefits that persist long after the crowds have gone home. To capitalize on these events, both policymakers and the private sector need to mainstream tourism in their agendas in order to leverage opportunities for tourism development.

Olympic legacy is the result of a vision. It encompasses all the tangible and intangible long-term benefits initiated or accelerated by the hosting of the Olympic Games/sport events for people, cities/territories and the Olympic Movement.

Source: International Olympic Committee (2017). *Legacy Strategic Approach: Moving Forward – Executive Summary*. Lausanne: IOC www.olympic.org/-/media/Document%20Library/OlympicOrg/Documents/Olympic-Legacy/IOC_Legacy_Strategy_Executive_Summary.pdf.

In many destinations, tourism has benefited from sports and mega events. These large-scale gatherings can have a hugely positive impact on the host destination and serve as a showcase for tourism development.

Sports tourism is a type of tourism activity which refers to the travel experience of the tourist who either observes as a spectator or actively participates in a sporting event generally involving commercial and non-commercial activities of a competitive nature.

Source: World Tourism Organization (2019). *UNWTO Tourism Definitions*. Madrid: UNWTO. doi.org/10.18111/9789284420858.

Several considerations need to be taken into account to maximize this positive impact:⁸

- planning;
- promotion (i.e., branding and image, product development, media coverage, social media and collaboration with event sponsors, among others);
- economic aspects (e.g., tourism infrastructure development, visitor reception/services, spreading benefits beyond the host city, technology innovation, human resource development, partnerships and mainstreaming tourism in the national agenda);
- social aspects (e.g., accessible tourism for all, the environment, community engagement and mutual understanding); and
- risk management (e.g., crisis communication, safety, and security, among others).

IP emerges as a crucial element, especially for planning and promotion purposes. In terms of promotion, a mega event is a great opportunity to enhance or change the international image of a destination, or to put a new destination on the map. It fuels the development and diversification of tourism products and attracts not only leisure tourism, but also the meetings industry, which will make use of new infrastructure for conferences, exhibitions and other corporate events. Branding and promotion need to continue after the event is over to fully leverage its benefits.

However, sports and mega events do not automatically benefit tourism development; mid- to long-term planning and IP strategies are also needed. Recent trends in sports and mega events, and in tourism development, show that these types of event are widely considered to be among the most effective ways of enhancing a destination's image and improving tourism infrastructure.⁹ Sports and mega events can enrich the social and cultural fabric of communities, making destinations more attractive for both investors and tourists.

Many countries now recognize the huge potential of IP and sports to drive social and economic development and tourism, and are integrating IP and sports-related objectives into their national development strategies. These countries seek to shape development and wealth creation opportunities by fostering a thriving and sustainable sports sector, and by becoming an attractive location for major sports events.

IP lies at the heart of the huge commercial opportunities offered by the world of sport. IP

rights – and the legal protection they give – help to secure the economic value of sport. This in turn stimulates the growth of the sports industry, enables sports organizations to finance high-profile events and provides the means of promoting sports development. These organizations put in place a strict IP licensing policy through business transactions related to sponsorship, merchandising, broadcasting and media deals, all built on IP rights. The sports industry is having a growing impact on the world economy, playing a key role in jobs creation, public infrastructure development and resource mobilization.

Trademarks, brands and designs contribute to the distinct identity of events, teams and their kit. Copyright-related rights generate the revenues needed to broadcast sports events to fans all over the world. IP rights are the basis of licensing and merchandising agreements that generate the income needed to support the development of the sports industry.

Some of the specific opportunities for IP protection in sports tourism are described next.

Branding

Commanding customer loyalty and premium prices, strong brands are valuable assets that drive company revenue and growth in any industry.

Brand owners seek to control their trademarks, such as logos, team names or mascots, which act as cognitive touchpoints for their customers. In sports, as in all areas of business, trademark-protected material represents special qualities that attract fans, in turn generating the income sports organizations need to invest in new talent or better infrastructure.

Broadcasting

Copyright and related rights, particularly those relating to broadcasting organizations, underpin the relationship between sports and television or other media.

For most sports organizations, the sale of broadcasting and media rights is now the biggest source of revenue. This generates the funds needed to finance major sporting events, refurbish stadiums and develop sport at the grass-roots level. The royalties that broadcasters earn from selling their exclusive footage to other media outlets enables them to invest in the costly organizational and

technical infrastructure involved in broadcasting sports events to millions of fans all over the world.

Copyright and related rights provide protection against unauthorized retransmission of these broadcasts. They also underpin sport's relationship with television and media organizations, which pay huge sums of money for the exclusive rights to broadcast events live.

Licenses and sponsorship

By acquiring IP rights and then using them strategically, sports organizations and other right owners can protect and increase their income-generating potential. Licensing and merchandising provide rights holders with enormous marketing and earning potential.

In terms of sponsorship, companies often partner with sports organizations or closely associate themselves with a sporting event to promote their brand, build their reputation and develop deeper customer relationships. This offers companies significant brand exposure, as millions of fans and viewers tune into sporting events across the globe.

Example of IP use in sporting events: the Olympic Games and the FIFA World Cup

Flagship sporting events (such as the Olympic Games or the FIFA World Cup), which capture the imagination, stir the emotions and inflame the passions of fans across the globe, are extremely effective international corporate marketing platforms through which a company can create awareness, enhance its image and foster goodwill.

The IP system, and trademarks in particular, play a pivotal role in safeguarding the unique character of the Olympic Games and their identifications, including the Olympic symbol, emblems, flag, torch and anthem.

Source: World Intellectual Property Organization (n.d.). Licenses and sponsorships in sport. www.wipo.int/ip-sport/en/licenses.html; World Intellectual Property Organization (n.d.). The Olympic Games. www.wipo.int/ip-sport/en/olympic.html

Successful IP rights strategies and the monetization of IP assets promote the growth of mega events and sports tourism, contributing to the creation and development of tourism destinations. In order to leverage the benefits associated with hosting major sporting events, it is vital to address the challenges in creating an enabling regulatory environment. It is also essential to ensure effective action against

IP violations that erode sponsors' confidence. Government and public bodies, sports federations, event organizers, donors, sponsors and television and media companies are relevant stakeholders in the organization of sports and mega events. All of these stakeholders need to be aware of the need to design and implement sound IP strategies, which will help to maximize the benefits of these events for tourism development. Not everyone can use the IP assets owned by these events; they are licensed to authorized partners only.

and IP experts also need to be involved in the entire process, from pre-event strategizing to post-event brand awareness building.

One of the greatest benefits of mega events is that they shine a spotlight on the host destination. It is crucial to take advantage of this attention to promote the destination and enhance or change its image.

A mega event itself needs to be planned in line with the host city's or country's overall development strategy, as established by the event organizer and the government. Tourism should be included in this plan. However, the tourism sector needs to formulate its own strategy and action plan, specifically in terms of capitalizing on the event for tourism development.¹⁰

This is where national tourism authorities (NTAs) national tourism organizations (NTOs) and DMOs play a key role, as they are generally part of the overall strategy and planning process for the mega or sport event.

A mega event draws a significant level of global attention to the host city or country. It also attracts substantial media coverage focusing not only on the event itself, but also on the host destination. Enhanced branding or a successful change of the destination's image can result in an increase in the number of visitors and their spending, and a favorable shift in visitor demand, timing or segments. It may also open up new markets – for example, through the meetings industry. A host destination first needs to establish what kind of image it wishes to project. It must then effectively show this image to potential and actual visitors through the media and social networks, as well as on site. In parallel, tourism products reflecting the event and the destination's new image need to be developed and promoted.¹¹

From branding to advertising, a wide range of issues therefore need to be raised and addressed by the public sector. As mentioned, NTAs/NTOs and DMOs are crucial partners in this sense. The private sector (including the event organizers and tourism-related industries), the host community

Case Study 16. The 2010 FIFA World Cup serves as a springboard for South African tourism



Who

South Africa's national brand custodian and South African Tourism, South Africa

What

Nation branding and marketing campaign

Why

Using destination marketing as a mechanism to develop tourism and attract investment

Background

One of South Africa's main objectives in hosting the 2010 FIFA World Cup was to create a positive global perception of South Africa, to foster tourism and future investments. To attract the attention of football fans all over the world, the uplifting and energetic Diski Dance became a frequent feature in media campaigns and related events. Highly targeted marketing campaigns in collaboration with global partners drew massive investments to the country, including through tourism prior to, and during, the World Cup. Then, when the final whistle had been blown, a post-event campaign continued to convey a positive image of South Africa, featuring the extraordinary journeys and experiences of those who had visited the country during the tournament.

IP added value

Understanding the importance of communicating a consistent image, the South African Government approved a new logo for Brand South Africa in 2009, before hosting the tournament and inviting the world to its doorstep. The logo and brand were then consistently integrated into the World Cup and South Africa marketing and advertising campaigns. To secure global coverage and attract more tourists and investment, arrangements with global partners were made. For example, the "My South Africa" campaign saw CNN broadcast a selection of vignettes featuring inspirational South African icons. In addition, the "My South Africa" website was updated to include a special section dedicated to the World Cup. "The Journey" campaign on BBC World was designed to promote South African culture, wildlife, adventures and luxury accommodation globally. While South Africa may not have won the 2010 World Cup, hosting the event enabled the country to establish a positive, recognizable tourism destination brand and to reap social and economic benefits for years to come.

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)



Case Study 17. China's integration of IP and sports-related objectives into national development and tourism strategies



Who

The National Tourism Administration and General Administration of Sport, China

What

National development strategies include IP considerations to promote sports tourism and foster sustainable development

Why

Polymakers must consider integrating IP and sports-related objectives into national development strategies to encourage tourism growth and socioeconomic development

Background

China has experienced a sports tourism boom, due to rising health-consciousness and a shift in consumption patterns. In December 2016, the National Tourism Administration and General Administration of Sport jointly issued a document outlining the national strategy for sports tourism. Their goal was to develop 100 sports-themed destinations and 100 quality sports events by 2020. Beijing aims to generate up to 1 billion domestic and foreign tourist visits annually for sports tourism. China also published the *Belt and Road Sports Tourism Development Action Plan 2017–2020* in July 2017, aimed at accelerating the collaborative development of

sports and tourism in China and other countries along the Belt and Road Initiative (BRI). The plan also involves creating tourism brands by developing premium sports tourism events, products and destinations. The 2022 Winter Olympics and Paralympic Games in Beijing are expected to further develop sports tourism as a tourism and health strategy.

IP added value

IP can support sports-related objectives included in national development strategies in a variety of ways. These include:

- improving the host destination's international image and popularity;
- enhancing tourism, public and technical infrastructure in order to accommodate increasing numbers of domestic and international tourists for sports tourism, and the corresponding increase in media attention;
- diversifying tourism products;
- enriching the social and cultural fabric of communities; and
- securing the economic value of sports through commercial opportunities based on the legal protection of IP rights, e.g., sponsorships, merchandising, broadcasting and media rights, designs and trademarks.

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

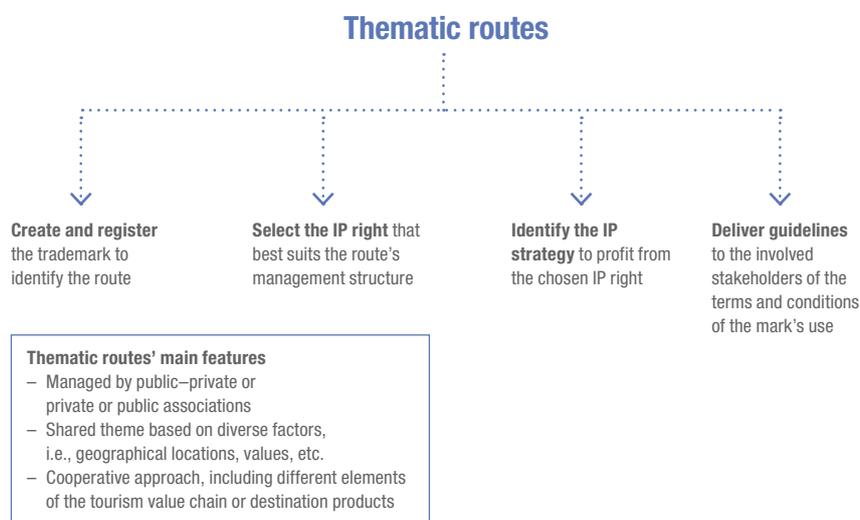
Tourism assets

Leisure, excursions and tours

SDG(s)



Figure 4.2 Linkages between tourism and intellectual property in thematic routes



Connecting tourism routes and trails with IP

Developing a circuit or trail as a tourist attraction goes beyond mapping out a route based on various tourism features; to attract visitors, there has to be a central theme. The route should also feature specific attractions and activities, with a range of facilities at key points. The links between tourism and IP in thematic routes are presented in Figure 4.2.

One example is the UNWTO's Silk Road Programme,¹² designed to enhance the development of sustainable tourism along the historic Silk Road routes. The Silk Road – a 6,500 km-long interconnected network of trade routes across the Asian continent – connects eastern, southern and western Asia with the Mediterranean, northern Africa and Europe. UNWTO is working with member states' national governments to improve the product offering along the routes and market this initiative.¹³

The Silk Road Programme aims to maximize the benefits of tourism development for local Silk Road communities, while stimulating investment and promoting the conservation of the route's natural and cultural heritage. It also aims to improve cooperation between Silk Road countries and regions, in order to create a seamless and memorable Silk Road travel experience.

Many other countries have national tourism routes based on natural resources, cultural heritage, religious or spiritual features, or other elements. In some cases, trails are related to activities such as cycling, horseback riding, hiking, canoeing/kayaking or walking. Indeed, walking tourism is now one of the most popular ways of experiencing a destination. It allows tourists to better engage with local people, nature and culture, and it brings about environmental, social and economic benefits to residents and communities if properly developed and managed.¹⁴

As illustrated in Case Study 18 on Italy's Via Francigena route (certified by the Cultural Routes of the Council of Europe program), the creation and registration of a trademark and institutional logo for cultural and thematic routes forms part of a destination's tourism strategy. In this case, the European Association of the Vie Francigene (EAVF) protects and promotes the official route of the Via Francigena and has registered the name and institutional logo as trademarks on a European level. The purpose of the European trademark is to organize information, reception and hospitality along the route, to ensure that visitors can identify officially authorized products, activities and services. The trademark is used to immediately identify the Via Francigena, and it also ensures that the social, ethical and environmental

values that characterize the route are upheld by local businesses that use the mark.¹⁵

The EAVF trademark is available to local entities free of charge (subject to registration via an online form). Commercial use requires payment to the EAVF and adherence to the relevant regulations of use. These are available on the EAVF's website.¹⁶

Cultural and thematic routes share some key features, as follows.

- They are usually managed by private associations, public associations or public-private partnerships.
- They revolve around a common theme, such as geographical locations, values or historic roots.
- Their development is based on a collaborative approach, encompassing different elements of the tourism value chain or tourism products.

From an IP perspective, some important considerations include:

- creating and registering the trademark (brand name and/or logo) in order to identify the route;
- selecting the appropriate ownership structure for the IP rights, depending on the route's management structure;
- identifying the best IP strategy to implement in order to profit from the chosen IP right; and
- preparing guidelines for stakeholders regarding the terms and conditions for the use of the mark.

The final case study illustrates good practice in terms of IP protection and strategies in thematic and tourism routes.

Case Study 18. Via Francigena paves the way in using the IP system



Who

The European Association of the Via Francigena (EAVF), Italy

What

How the tourism sector and the IP system come together in thematic routes

Why

From protection to revenue generation, the IP system amplifies the benefits of thematic routes

Background

Stretching from northern Europe to Rome, the Via Francigena is a historic pilgrimage route that was once taken by English Archbishop Sigeric the Serious. In 2001, 34 local Italian authorities situated along the route formed the European Association. The itineraries of the Via Francigena now cover more than 100 territories, including 139 European communities. The route has entered the growing market for pilgrimage walking, and shows that a well-branded, clearly marked walking trail can trigger social and economic benefits in rural areas.¹⁷

IP added value

The association's tasks include providing guidance on commercial activities relating to the route. For this purpose, the association provides a clear and accessible list of procedures to follow for the use of the route's trademark. It authorizes commercial and noncommercial uses of the trademark in line with the social, ethical and environmental values that characterize the route.¹⁸ It also ensures that set service standards – such as those for accommodation or tour guides – are met, by including the services that meet these standards in the route's promotional materials.¹⁹ Other IP strategies are used to strengthen the route's contribution to local economies, as well as its funding. These include merchandise available online and along the route, pilgrims' passports and more than 30 branded events every year. Via Francigena demonstrates that thematic routes need more than good storytelling and that the IP system is a valuable partner in the management, quality control, revenue generation and brand positioning of multi-stakeholder tourism initiatives.

IP right

Trademark, collective and certification marks

Geographical indication and appellation of origin

Copyrights

Patent, utility models and trade secrets

Industrial designs

Tourism value chain elements

Transportation

Accommodation

Food and beverages

Handicrafts

Tourism assets

Leisure, excursions and tours

SDG(s)



Endnotes

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- 12 World Tourism Organization (2016). *Silk Road Action Plan 2016/2017*. Madrid: UNWTO. www.silkroad-adventures.com/wp-content/uploads/2018/05/sr2016web.pdf. Thirty-five member states currently participate in the UNWTO's Silk Road initiative: Albania, Armenia, Azerbaijan, Bangladesh, Bulgaria, China, Croatia, Democratic People's Republic of Korea, Egypt, Georgia, Greece, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Kazakhstan, Kyrgyzstan, Malaysia, Mongolia, Montenegro, Pakistan, Republic of Korea, Romania, the Russian Federation, San Marino, Saudi Arabia, Spain, Syrian Arab Republic, Tajikistan, Turkey, Turkmenistan, Ukraine and Uzbekistan (as of January 2019).
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Photo: ugurhan / E+ / Getty Images

5. Conclusions and recommendations



This last chapter will give a brief overview of the main lessons learned in the previous chapters. It will also highlight the importance of considering intellectual property (IP) rights to enhance the competitiveness of tourism destinations and of all the elements in the tourism value chain.

The purpose of this chapter is to reach conclusions on the relationship between intellectual property (IP) and tourism, and to provide relevant recommendations to national tourism authorities (NTAs) and national tourism organizations (NTOs), tourism policymakers and decision-makers, destination management/marketing organizations (DMOs) and key tourism stakeholders.

The importance of tourism in the global economy, and its contribution to economic growth and social welfare, are now widely recognized. This sector has proven its resilience in the last few decades and in past crises.¹ It stands out as a vehicle for fostering economic and social growth and as a force for development. Its cross-cutting nature and its many different forms (including cultural tourism, business tourism, ecotourism, gastronomy tourism, rural tourism, urban/city tourism, health tourism and mountain tourism) present an opportunity for different destinations and industries, including accommodation and hospitality, transportation, leisure, gastronomy, tour operators and travel agencies. The IP systems affords tourism a wide range of opportunities.

A balanced and efficient IP system can act as a catalyst for economic development and for social and cultural well-being. The IP system is a critical incentive for innovation, creativity and business competitiveness. This is particularly true in the tourism sector. First, IP rights can boost tourism development in different ways (e.g., through tourism destination branding and promotion). Second, the full deployment of appropriate IP strategies can leverage fundraising and investment opportunities. This is because the legal protection of new creations and innovative solutions – which are sometimes expensive and require high-risk investments – encourages the commitment of additional resources for further innovation.

Main conclusions

General

- IP rights play a key role in almost all businesses and economic sectors, and they have the ability to strengthen competitiveness in the tourism sector.
- The IP system offers numerous different tools and strategies that can be applied to the tourism sector.
- Both tourism and IP contribute to the realization of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs), especially SDGs 8, 9, 12 and 14.
- Stakeholders in the tourism value chain need a better understanding of the links between tourism and IP rights, in order to leverage the full potential of the IP system within the tourism sector.
- The IP system helps to create a favorable ecosystem for innovation, entrepreneurship and especially investment in tourism.
- When applied to tourism, properly managed IP rights help to strengthen this economic sector, which is vital for creating jobs and promoting social inclusion in developing countries.
- What makes a destination different, and where its competitive identity lies, is the basis for developing a tourism brand strategy.
- It is not only brands that can be protected; there are often other intangible assets involved in the tourism industry. These are relevant for tourism value chain providers and can be subject to IP protection, whether through copyright, designs, patents, trade secrets or other forms of protection.

IP and tourism: beyond exclusivity

- IP protection goes beyond the creation of exclusive rights – that is, the owner’s exclusive right to prevent a third party from commercially exploiting the benefits of that right. One of the key features of IP rights is that they are an intangible asset. As with tangible property, they can be used and leveraged to create more value, since most IP rights can be commercialized (i.e., sold, franchised, etc.).
- Innovation is crucial to tourism development, sustainability (social, environmental and economic) and competitiveness. The IP system can protect and reward investments in research and development (R&D), product differentiation and marketing, giving businesses exclusivity over the exploitation of their innovative, new or original products, their creative designs and their brands. This exclusivity incentivizes investment in initiatives to improve tourism competitiveness.
- Effective IP asset management helps the tourism sector to increase efficiency in technological innovation, digital transformation, creativity and branding. Several mechanisms can be used to unlock the value of IP, the most common of which are licensing, franchising and merchandising.
- An appropriate IP strategy allows the owner to generate investment, obtain financing and income to access new technologies and markets, and to invest in more R&D activities. This can be achieved by using contractual mechanisms and agreements such as franchising, joint ventures, licensing and so on.

Protecting your brand

- Competitiveness is increasingly based on a brand’s ability to provide value-added products at a competitive price. Effective IP asset management enables tourism destinations and stakeholders to add value to the goods, services and tourism products they offer. It is also a vital tool for differentiating a destination from its competitors.
- NTAs, NTOs and DMOs play a key role in destination promotion and therefore in destination branding.

- IP tools can be subject to monetization and financial transactions. Because IP rights are economically realizable, they can be sold or used as security to obtain financing, generate investment, and secure access to bank loans and other financial institutions' services and products.

IP and mega events, sports tourism and cultural/thematic routes: special considerations

- Large-scale events – including mega events, sports events, cultural events and festivals – are major tourism assets and products that attract tourists and visitors to the host destination. Events generate an immediate economic benefit not only for the organizers, but also for local communities and businesses. Destinations can develop new tourism products within their event marketing strategy.
- When it comes to cultural events and festivals, translating the intangible wealth emerging from the creative industries into economic growth requires IP protection of music, arts, dance, theatrical productions and all other creative expressions. This helps right owners to stop illegitimate actors from infringing on the brand's assets, and it prevents piracy and counterfeit goods and services. Effective protection requires a strategic approach from the public sector and from skilled private-sector IP managers and entrepreneurs, in order to maximize IP value, including brand equity (i.e., the value of the brand).
- Museums and cultural heritage centers have become a magnet for visitors worldwide. In fact, exhibitions and buildings are the main reason why tourists visit certain cities. Copyright law provides an important legal mechanism to encourage the promotion of cultural heritage and, together with branding strategies, is a strategic tool for attracting visitors to cultural institutions. There are significant opportunities for museums to leverage their assets in ways that support their mission and bring in visitors.
- Tourism has largely benefited from sports and mega events, which can have a hugely positive impact on the host destination and serve as a showcase for tourism development. However, sports and mega events do not automatically benefit tourism development; mid- to long-term planning and sound IP strategies are also needed.

- IP rights (especially copyright, trademarks and broadcasting rights) – and the legal protection they give – help to secure the economic value of sport.
- Branding, as protected by trademarks and design rights, contributes to the distinct identity of events, teams and their kit. Copyright-related rights generate the revenues needed to broadcast sports events to fans all over the world. In this sense, IP rights are the basis of licensing and merchandising agreements that generate the income needed to support the development of the sports industry.
- Many countries have national tourism routes (which sometimes pass through several countries) based on natural resources, cultural heritage, religious or spiritual features, or other elements. In other cases, trails are related to activities such as cycling, horseback riding, hiking, canoeing/kayaking or walking. What they all have in common is a central theme. From an IP perspective, the creation and registration of route names and institutional logos as trademarks is part of the tourism strategy for cultural and thematic routes.

Recommendations

The following general recommendations should be considered in order to leverage the full potential of the IP system.

- A strategic approach needs to be adopted with respect to the IP system in order to make the most of the tools and opportunities it presents and to successfully meet tourism-related goals.
- It is important to understand the connection between IP and tourism, and to include IP in tourism product development. This makes it possible to differentiate products and services in the market for destination branding purposes, tourism policy planning and implementation, and so on.
- It is essential to include IP strategies in the national tourism plan and tourism policy strategy for regional and local tourism destinations.
- Governments, DMOs, tourism businesses, including small and medium-sized enterprises (SMEs) and entrepreneurs alike, need to be trained in IP rights and strategies. These include, but are not limited to:

- identifying relevant IP rights for the tourism industry;
 - understanding how to use IP rights as an incentive for investment and as a means to of capturing and monetizing added value;
 - protecting IP rights;
 - negotiating royalty fees and any other IP strategy (licensing, etc.); and
 - deciding how to proceed against possible infringements of protected IP rights.
- It is critical to identify existing registered IP rights by using free databases of trademarks and geographical indications to be sure that any planned IP assets do not infringe existing rights.
 - Once planned IP rights have been protected, rights holders should plan IP monetization strategies such as assignment, licensing, franchising and merchandising. These open up a variety of possibilities for tourism stakeholders to increase their competitiveness and leverage business opportunities.
 - NTAs, NTOs and DMOs should prepare a brand toolkit or guidelines on the terms of use of the logo from a legal and technical perspective, and they should train not only their own staff, but also brand stakeholders and advocates in applying the brand to their own organizations' marketing communications and materials.
 - Tourism authorities are encouraged to raise awareness among tourism stakeholders and destinations on the importance of appropriate IP knowledge and management.
 - Museums and other cultural heritage institutions should receive guidance to develop and adopt policies and guidelines on how to leverage the IP system, to include managing and monetizing the works under the institution's custody.
 - Tourism stakeholders should understand the huge commercial value of their brands and innovations, and adequately assess their value as equity assets in their balance sheet.
 - SMEs and other stakeholders in the tourism value chain should integrate adequate IP asset management into their overall business strategy for tourism destination development.
 - Tourism industries and destinations involved in capital-intensive activities, or in need of large capital flow to run their businesses, should create strong IP assets and unlock their economic potential by creating and implementing adequate IP strategies.
- Rights holders should plan and implement an appropriate IP strategy that will allow them to secure investment, and obtain financing and income to access new markets, and to develop new technologies and R&D services and activities. This can be achieved by using contractual mechanisms and agreements such as franchising, joint ventures and licensing.
 - Legally speaking, IP rights are a transferable asset. As such, they can be subject to a legal contract just like any other transferable asset (e.g., they can be sold/assigned and traded, licensed, etc.). By the same token, IP rights can be used as security to obtain a bank loan.
 - When developing and promoting tourism routes, IP-related recommendations include:
 - creating and registering the trademark to identify the route in the relevant countries/ territories and markets;
 - selecting the appropriate ownership structure for the IP rights, depending on the route's management structure;
 - identifying the IP strategy in order to profit from the chosen IP right;
 - preparing guidelines for stakeholders on the terms and conditions for use of the mark; and
 - identifying origin-based products (whether food, agricultural products or handicrafts), linked to the territory and renowned for their quality, which may then be protected and promoted as trademarks, collective marks or certification marks, or registered as geographical indications.
 - A wide range of issues – from branding to advertising – need to be raised and addressed by the public sector (NTAs/NTOs and DMOs are crucial partners in this sense). The private sector (including event organizers and tourism-related industries), the host community and IP experts also need to be involved.
 - NTAs/NTOs and DMOs play a key role in using mega or sports events to drive tourism development. This is because these organisations are generally part of the overall strategy and planning process for these events.
 - Governments should integrate IP and sports-related objectives into national tourism

development strategies, and recognize the huge potential of IP and sports to drive social and economic development and tourism in the host destination.

- Organizers must plan mega events in line with the host city’s or country’s overall development strategy, as established by stakeholders including government. Tourism should be included in this plan. However, the tourism sector needs to formulate its own strategy and action plan, specifically in terms of capitalizing on the event for tourism development.
- Government and public bodies, sports federations, event organizers, donors, sponsors, and television and media companies are relevant stakeholders in the organization of sports and mega events. All of these stakeholders need to be aware of the need to design and implement sound IP strategies that will help to maximize the benefits of these events for tourism development.

A final remark, which is important to keep in mind, is that IP laws vary by country or territory. Similarly, IP rights are territorial rights, and registrations convey protection only for the specific jurisdiction(s) (depending on the IP office or registration system chosen) and for specific groups or products or services (depending on the “class” or “classes” chosen). For this reason, stakeholders are advised to seek legal advice based on their specific needs, priorities and destinations in the jurisdictions in which they are seeking IP rights protection.

Endnotes

- 1 For further information on the impact of the COVID-19 pandemic on the tourism sector, please see: World Tourism Organization (n.d.). COVID-19 response. www.unwto.org/tourism-covid-19; World Tourism Organization (2020). “Tourism can be a platform for overcoming the pandemic. By bringing people together, tourism can promote solidarity and trust”: UN Secretary-General Antonio Guterres. News, June 9. www.unwto.org/news/tourism-can-promote-solidarity-un-secretary-general-antonio-guterres; World Tourism Organization (2020). Impact assessment of the COVID-19 outbreak on international tourism. www.unwto.org/impact-assessment-of-the-covid-19-outbreak-on-international-tourism; World Tourism Organization (2020). *UNWTO Briefing Note: Tourism and COVID-19, Issue 1 – How Are Countries Supporting Tourism Recovery?* UNWTO, Madrid. doi.org/10.18111/9789284421893; World Tourism Organization (2020). *UNWTO World Tourism Barometer* (English version). 18(2). www.e-unwto.org/toc/wtobarometereng/18/2; World Tourism Organization (2020). *UNWTO World Tourism Barometer*, (English version). 18(3). www.e-unwto.org/toc/wtobarometereng/18/3.



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Glossary

Tourism terminology

Tourism is a social, cultural and economic phenomenon that entails the movement of people to countries or places outside their usual environment for personal or business/professional purposes. These people are called *visitors* (and may be either *tourists* or *excursionists*; *residents* or *nonresidents*) and tourism has to do with their activities, some of which involve *tourism expenditure*.

The World Tourism Organization's 22nd Session of its General Assembly, held in Chengdu, China, adopted as Recommendations (A/RES/684 (XXII)) some operational definitions used in the *tourism value chain*, as well as a set of operational definitions on some selected tourism types. These operational definitions provide tourism stakeholders with a comprehensive and concise, operational, applicable and globally relevant framework for some concepts used in the tourism value chain and for some selected tourism types, aiming to set the scene and contribute to establishing common ground for a harmonized understanding.

The operational definitions used in the tourism value chain are:

- competitiveness of a tourism destination;
- destination management/marketing organization (DMO);
- innovation in tourism;
- quality of a tourism destination;
- tourism destination;
- tourism product; and
- tourism value chain.

Tourism destination: A *tourism destination* is a physical space with or without administrative and/or analytical boundaries in which a *visitor* can spend an overnight. It is the cluster (co-location) of products and *services*, and of activities and experiences along the *tourism value chain* and a basic unit of analysis of *tourism*. A destination incorporates various stakeholders and can network to form larger destinations. It is also intangible with its image and identity which may influence its market competitiveness.

Destination management/marketing organization (DMO): A *destination management/marketing organization* (DMO) is the leading

organizational entity which may encompass the various authorities, stakeholders and professionals and facilitates *tourism sector* partnerships toward a collective destination vision. The governance structures of DMOs vary from a single public authority to a public-private partnership model with the key role of initiating, coordinating and managing certain activities such as implementation of tourism policies, strategic planning, product development, promotion and marketing and convention bureau activities.

The functions of the DMOs may vary from national to regional and local levels depending on the current and potential needs as well as on the decentralization level of public administration. Not every *tourism destination* has a DMO.

Tourism product: A *tourism product* is a combination of tangible and intangible elements, such as natural, cultural and man-made resources, attractions, facilities, *services* and activities around a specific center of interest which represents the core of the destination marketing mix and creates an overall *visitor* experience including emotional aspects for the potential customers. A tourism product is priced and sold through distribution channels and it has a life cycle.

Tourism value chain: The *tourism value chain* is the sequence of primary and support activities which are strategically fundamental for the performance of the *tourism sector*. Linked processes such as policy making and integrated planning, product development and packaging, promotion and marketing, distribution and sales and destination operations and *services* are the key primary activities of the tourism value chain.

Support activities involve transport and infrastructure, human resource development, technology and systems development and other complementary goods and services which may not be related to core *tourism* businesses but have a high impact on the value of tourism.

Quality of a tourism destination: *Quality of a tourism destination* is the result of a process which implies the satisfaction of all *tourism product* and service needs, requirements and expectations of the consumer at an acceptable price, in conformity with mutually accepted contractual conditions and

the implicit underlying factors such as safety and security, hygiene, accessibility, communication, infrastructure and public amenities and *services*. It also involves aspects of ethics, transparency and respect toward the human, natural and cultural environment. Quality, as one of the key drivers of *tourism* competitiveness, is also a professional tool for organizational, operational and perception purposes for tourism suppliers.

Innovation in tourism: *Innovation in tourism* is the introduction of a new or improved component which intends to bring tangible and intangible benefits to *tourism* stakeholders and the local community, improve the value of the tourism experience and the core competencies of the *tourism sector* and hence enhance tourism competitiveness and/or sustainability. Innovation in tourism may cover potential areas, such as *tourism destinations*, *tourism products*, technology, processes, organizations and business models, skills, architecture, *services*, tools and/or practices for management, marketing, communication, operation, quality assurance and pricing.

Competitiveness of a tourism destination: The *competitiveness of a tourism destination* is the ability of the destination to use its natural, cultural, human, man-made and capital resources efficiently to develop and deliver quality, innovative, ethical and attractive *tourism products* and *services* in order to achieve a sustainable growth within its overall vision and strategic goals, increase the added value of the *tourism sector*, improve and diversify its market components and optimize its attractiveness and benefits both for *visitors* and the local community in a sustainable perspective.

Tourism types: The operational definitions of tourism types are:

- adventure tourism;
- business tourism (related to the meetings industry);
- coastal, maritime and inland water tourism;
- cultural tourism;
- ecotourism;
- education tourism;
- gastronomy tourism;
- health tourism;
- medical tourism;
- mountain tourism;
- rural tourism;
- sports tourism;
- urban/city tourism; and
- wellness tourism.

In addition to the adopted definitions of the above concepts, the following is a list of select terminology used in this publication.

A full list of tourism definitions, concepts and terms can be consulted in the following publications:

World Tourism Organization (2006). *Structures and Budgets of National Tourism Organizations (2004–2005) (English version)*. Madrid: UNWTO. doi.org/10.18111/9789284411481

World Tourism Organization (2019). *UNWTO Tourism Definitions*. Madrid: UNWTO. doi.org/10.18111/9789284420858

World Tourism Organization (n.d.). Glossary of tourism terms. www.unwto.org/glossary-tourism-terms

World Tourism Organization and United Nations Environment Programme (2006). *Making Tourism More Sustainable: A Guide for Policy Makers*. Madrid: UNWTO. doi.org/10.18111/9789284411191

Tourism terms directly or indirectly used in this publication

Carrying capacity: The maximum number of people that may visit a *tourist destination* at the same time without causing destruction of the physical, economic and sociocultural environment and an unacceptable decrease in the quality of *visitors'* satisfaction.

Destination (main destination of a trip): The place visited that is central to the decision to take the trip. See also *Purpose of a tourism trip*.

Enterprise: An institutional unit engaged in the *production* of goods and/or *services*. It may be a corporation, a nonprofit institution or an unincorporated enterprise. Corporate enterprises and nonprofit institutions are complete institutional units. An unincorporated enterprise, however, refers to an institutional unit – a household or government unit – only in its capacity as a producer of goods and services.

Establishment: An *enterprise*, or part of an enterprise, that is situated in a single location and in which only a single productive activity is carried out or in which the principal productive activity accounts for most of the value added.

International tourism: Comprises inbound tourism and outbound tourism – that is the activities of *resident visitors* outside the country of reference, either as part of domestic or outbound tourism trips, and the activities of *nonresident* visitors within the country of reference on inbound tourism trips.

National tourism administration/ organization (NTA/NTO): A *national tourism organization* (NTO), responsible for marketing a country abroad as a *tourism destination*, is, in general, either part of the national administration or an independent body. When it is a part of the *national tourism administration* (NTA), various possibilities exist. The NTO may be part of a ministry that is responsible for tourism policy only or it may be part of a ministry that is responsible for more areas of national policy. In addition to their relationship with the tourism administration, NTOs generally have strong ties with regional and local tourism boards and the private sector.

Production: An activity carried out under the control and responsibility of an institutional unit that uses inputs of labor, capital, and goods and *services* to produce outputs of goods or services.

Residents/nonresidents: The *residents* of a country are individuals whose center of predominant economic interest is located in its economic territory. For a country, the *nonresidents* are individuals whose center of predominant economic interest is located outside its economic territory.

Services: The result of a *production* activity that changes the conditions of the consuming units, or facilitates the exchange of products or financial assets. They cannot be traded separately from their production. By the time their production is completed, they must have been provided to the consumers.

Sustainable tourism: *Tourism* that takes full account of its current and future economic, social and environmental impacts, addressing the needs of *visitors*, the industry, the environment and host communities.

Tourism: The activity of *visitors*.

Tourism industries: Comprise all *establishments* for which the principal activity is a tourism-characteristic activity. Tourism industries (also referred to as tourism activities) are the activities that typically produce tourism-characteristic products. The term “tourism industries” is equivalent

to tourism-characteristic activities and the two terms are sometimes used synonymously.

Tourism sector: As contemplated in the Tourism Satellite Account, the cluster of *production* units in different industries that provide consumption goods and *services* demanded by *visitors*. Such industries are called *tourism industries* because visitor acquisition represents such a significant share of their supply that, in the absence of visitors, their production of these would cease to exist in meaningful quantity.

Tourist (or overnight visitor): A *visitor* (domestic, inbound or outbound) is classified as a *tourist* (or overnight visitor) if their trip includes an overnight stay and as a same-day visitor (or excursionist) otherwise.

Travel/traveler: *Travel* refers to the activity of a *traveler*: someone who moves between different geographical locations for any purpose and any duration. A *visitor* is a particular type of traveler and consequently *tourism* is a subset of travel.

Visitor: A *traveler* taking a trip to a main *destination* outside their usual environment, for less than one year, for any main purpose (business, leisure or other personal purpose) other than to be employed by a resident entity in the country or place visited. See also *Tourist*.

Terminology on intellectual property

Key terms related to intellectual property (IP), traditional knowledge and traditional cultural expressions

What follows is an abridged version of WIPO's *Glossary of Key Terms Related to Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions*. The proposed definitions it contains are not exhaustive or necessarily authoritative; other terms may also be relevant to IP and genetic resources, *traditional knowledge* and *traditional cultural expressions*, and the terms selected may also be defined in other ways. The selection of terms and their proposed definitions are not necessarily agreed upon by participants in the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

Note that what follows is for information only and does not constitute legal advice nor should it be considered an authoritative source of definitions.

A full list of IP definitions, concepts and terms can be consulted in the following publications:

World Intellectual Property Organization (2018). *Glossary of Key Terms Related to Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions*. Geneva: WIPO. www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_37/wipo_grtkf_ic_37_inf_7.pdf

World Intellectual Property Organization (n.d.). What is Intellectual Property? www.wipo.int/about-ip/en/

IP terms directly or indirectly used in this publication

Appellation of origin: A special kind of *geographical indication* used to signify products that have a specific quality exclusively or essentially due to the geographical environment in which the products are produced.

Certification marks: A *mark* that may be used only in accordance with defined standards. The main difference between *collective marks* and certification marks is that the former may be used only by particular enterprises – for example, members of the association that owns the collective mark – while the latter may be used by anybody who complies with the defined standards. Thus the users of a collective mark form a “club,” while the “open shop” principle applies with respect to certification marks.

The definition of certification mark is not the same in all countries.

Copyright and related rights: *Copyright* laws grant authors, artists and other creators protection for their literary and artistic creations, generally referred to as “works.” A closely associated field is “related rights,” which encompasses rights similar or identical to those of copyright, although these are sometimes more limited and of shorter duration.

Copyright (ownership): The owner of *copyright* in a work is generally, at least in the first instance, the person who created the work – that is, the author of the work. There can be exceptions to this general principle, which are regulated by national law. For example, the national law may provide that when a work is created by an author who is employed for the purpose of creating that work, then the employer, not the author, is the owner of the copyright of the work. It is to be noted, however, that the “moral

rights” always belong to the author of the work regardless of who the owner of the copyright is.

In many countries, copyright (with the exception of moral rights) may be assigned. This means that the owner of the copyright may transfer it to another person or entity, who will then become the owner of the copyright.

Collective marks (see *trademarks*): A *mark* that may be owned by an association, which itself does not use the collective mark, but whose members may use the collective mark if they comply with the regulations concerning its use. An enterprise entitled to use the collective mark may also use its own *trademark*.

The regulations concerning the use of the collective mark normally have to be included in an application for the registration of the collective mark and any modifications to the regulations have to be notified to the trademark office. In several countries, the registration of a collective mark may be canceled if that mark is used contrary to the provisions of the regulations or in a manner that misleads the public. Collective marks therefore play an important role in the protection of consumers against misleading practices.

Cultural expressions: Those expressions that result from the creativity of individuals, groups and societies, and which have cultural content.

Cultural heritage: Cultural heritage as defined by UNESCO includes artefacts, monuments, a group of buildings and sites, museums that have a diversity of values including symbolic, historic, artistic, aesthetic, ethnological or anthropological, scientific and social significance. It includes tangible heritage (movable, immobile and underwater), intangible cultural heritage embedded into cultural, and natural heritage artefacts, sites or monuments.

Geographical indication: A sign used on goods that have a specific geographical origin and possess qualities or a reputation due to that place of origin. Most commonly, a geographical indication consists of the name of the place of origin of the goods. Agricultural products typically have qualities that derive from their place of production and which are influenced by specific local geographical factors, such as climate and soil. Whether a sign functions as a geographical indication is a matter of national law and consumer perception. Geographical indications may be used for a wide variety of agricultural products, such as “Tuscan Olive Oil”

produced in a specific area of Italy, or “Roquefort” for cheese produced in that region of France, for example. The use of geographical indications is not limited to agricultural products; they may also highlight specific qualities of a product that are due to human factors found in the product’s place of origin, such as specific manufacturing skills and traditions. The place of origin may be a village or town, a region or a country. An example of the latter is “Switzerland” or “Swiss,” perceived as a geographical indication in many countries for products made in Switzerland, particularly watches.

Patent: A document issued, upon application, by a government office (or a regional office acting for several countries), which describes an invention and creates a legal situation in which the patented invention can normally be exploited (manufactured, used, sold, imported) only with the authorization of the owner of the patent. *Invention* means a solution to a specific problem in the field of technology. An invention may relate to a product or a process. The protection conferred by the patent has a limited duration (generally, 20 years).

Public domain: In a *copyright* context, a work is considered to be in the *public domain* if there is no legal restriction on its use by the public. The public domain in relation to *patent* law consists of knowledge, ideas and innovations over which no person or organization has any proprietary rights.

Trademarks: A distinctive sign that distinguishes the goods or services of one undertaking from those produced or provided by others. The holder of a registered trademark has the legal right to exclusive use of the mark in relation to the products or services for which it is registered. The owner can prevent unauthorized use of the trademark, or of a confusingly similar mark, for goods or services that are identical or similar to the goods or services for which the mark is registered. Unlike *patents*, trademark registrations can potentially be maintained indefinitely, as long as the trademark holder pays the renewal fees and actually uses the trademark. The procedures for registering trademarks are governed by the rules and regulations of national and regional IP offices (IPOs). Trademark rights are limited to the jurisdiction of the authority that issues the trademark. Trademarks can be registered by filing an application with the relevant national or regional IPO, or by filing an international application through the Madrid System.

Trade secret: Broadly speaking, any confidential business information that provides an enterprise

a competitive edge. Trade secrets encompass manufacturing or industrial secrets and commercial secrets. The unauthorized use of such information by persons other than the holder is regarded as an unfair practice and a violation of the trade secret. Depending on the legal system, the protection of trade secrets may form part of the general concept of protection against unfair competition or may be based on specific provisions or case law on the protection of confidential information.

Traditional cultural expressions: WIPO uses the terms *traditional cultural expressions* and *expressions of folklore* to refer to the tangible and intangible forms in which *traditional knowledge* and cultures are expressed, communicated or manifested. Examples include traditional music, performances, narratives, names and symbols, designs and architectural forms. The terms “traditional cultural expressions” and “expressions of folklore” are used synonymously. The use of these terms is not intended to suggest any consensus among WIPO member states on the validity or appropriateness of these or other terms and does not affect or limit the use of other terms in national or regional laws.

Traditional knowledge: There is as yet no accepted definition of *traditional knowledge* at the international level. Traditional knowledge, as a broad description of subject matter, generally includes the intellectual and intangible *cultural heritage*, practices and knowledge systems of traditional communities, including indigenous and local communities (traditional knowledge broadly). In other words, traditional knowledge in a general sense embraces the content of knowledge itself as well as *traditional cultural expressions*, including distinctive signs and symbols associated with traditional knowledge. In international debate, traditional knowledge in the narrow sense refers to knowledge as such – in particular, the knowledge resulting from intellectual activity in a traditional context – and includes know-how, practices, skills and innovations. Traditional knowledge can be found in a wide variety of contexts, including agricultural knowledge, scientific knowledge, technical knowledge, ecological knowledge, medicinal knowledge, including traditional medicines and remedies, biodiversity-related knowledge, etc.



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This publication helps to understand the connection between intellectual property (IP) and tourism. Through multiple case studies, it illustrates how existing and potential IP tools, in particular branding, copyright, geographical indications and certification marks, can add value and increase the competitiveness of tourism services and products. It explains how to include IP in tourism policies, product development and destination branding, and shows how different IP rights can be leveraged for fundraising purposes.

Essential reading for all tourism stakeholders, including national tourism authorities, destination management organizations, tourism businesses and startups, this publication also provides relevant conclusions and recommendations on the links between tourism and IP, showing how appropriately integrating IP rights can help to spur innovation and leverage their potential for tourism development and competitiveness.

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