

Whereas ~~positions in principles~~ have been agreed upon by international bodies, **amongst others** the World Trade Organisation and the **United Nations** World Intellectual Property Organisation, confirming that indigenous knowledge should be recognised and protected by appropriate legal instruments, on national level as well as internationally; and

8A

(2) Nothing in the sections contemplated in subsection (1) shall be construed as ~~granting~~ **conferring** any rights to any person in respect of intellectual property which is not a **traditional performance** ~~indigenous knowledge or derived from indigenous knowledge.~~

28A

(2) Nothing in the sections contemplated in subsection (1) shall be construed as ~~granting~~ **conferring** any rights to any person in respect of intellectual property which is not a **traditional work** ~~indigenous knowledge or derived from indigenous knowledge.~~

28C

(4) Registration in respect of ~~subsection (3)(b) and (c)~~ **traditional works and traditional performances** shall ~~not be compulsory but~~ for the purposes of recordal of ownership and identification of representation within an indigenous community.

28C

(8) If the applicant for registration is an indigenous community, the request referred to in subsection (7) shall include a community protocol setting out relevant information about the community, including:

(a) **identification of the indigenous community, including the acknowledged leadership structure of the community;**

(b) validation that that the indigenous community complies with the definition of indigenous community contained in this Act.

(c) full details of the appointed representative.....

28C

(15) The Commission may determine which information recorded in the databases must be treated in confidentiality **and must make such a determination where the protocol submitted with an application requests and supports the content of the application to be treated in confidence.**

28G - new subsection

(7) Where a person derives commercial benefit from the use of traditional works, the value of which is below a prescribed ceiling, such person shall be excluded from the requirements of sections 28B(4), 28C and 28H.