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UNDERSTANDING IP PROTECTION OF TRIBAL DANCE FORMS IN INDIA

~Pragna Putcha

ABSTRACT

This project aims to critically analyze the current legal state and the legal possibilities and implications of protecting tribal dance forms under the umbrella of intellectual property rights, such as copyright, trademarks, etc. I selected this topic because I realized that, despite intellectual property regimes, there exists a pressing issue of commercialization, misappropriation, and commodification of tribal dance forms, and those regimes fail to recognize the collective right and cultural identity of tribal communities. Studying IP protection of tribal dance forms is essential as currently, many legislative gaps are preventing the adequate legal protection of tribal dance forms, which is essential to ensuring that unauthorized use or exploitation is curbed, these communities maintain control over their cultural heritage, and they receive fair recognition and rights. This topic also illustrates the relation between law and language, demonstrating how legal definitions such as 'authorship', 'fixation', and 'originality' find their place in protecting tribal dance. It expresses the challenges of finding a place for communal forms of expression in rigid legal structures and how language can determine the effectiveness of legal protection. Through this project, I have learned that current IP laws are inadequate for safeguarding communal creations, and that the law must evolve and expand its definitions to provide a community-centric form of protection for the requisite preservation of tribal identities.

INTRODUCTION

The fundamental purpose of law is to protect the vulnerable, yet this is not being followed through with in the case of tribal dance forms. In recent times, many debates have occurred in the United Nations (UN) surrounding the topic of intellectual property protection, yet no single definition has ever been given to what constitutes these communities.[1] The most commonly cited definition is one given by Jose R. Martinez Cobo in his Study on the Problem of Discrimination against Indigenous Populations.[2] It is as follows:

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[1] Dr Sachiv Kumar et al., *Protection to Indigenous Knowledge: A Study of Flawed Scenario at National and International Level* (2012).

[2] *Indigenous People: Conceptualization in International, Soviet, and Russian Legislation*, https://therussiaprogram.org/indigenous_people_02162024 (last visited Oct. 8, 2025).

Indigenous communities are those that have historical continuity with pre-colonial or pre-invasion societies that have developed on a specific territory, considering themselves separate from the societies currently prevailing on those territories. They constitute a non-dominant part of society and aim to preserve, develop, and pass on their ancestral lands and cultural identity to future generations on the basis of continued existence. On an individual basis, an indigenous person is one who identifies themselves as part of an indigenous community and is recognized and accepted by the members of the population of that community.

In the Indian context, no statute has defined indigenous tribes. Nevertheless, in Article 342 of the Indian Constitution, provisions have been set for Scheduled Tribes.[3] Following this, can it be said that from the Indian perspective, indigenous tribes and scheduled tribes carry the same meaning? No specific provision is given regarding what constitutes a tribe or a tribal community. However, it can be found within the list of scheduled tribes that most of them are *adivasi,* with *adi* meaning old and *vasi* meaning resident, thus referring to people who lived in forests in ancient times. This runs parallel with the given definition of indigenous communities. Thus, it can be assumed that from the Indian eye, Scheduled Tribes and Indigenous Communities refer to the same concept.

Since ancient times, India has had a rich and diverse tribal culture, with dance being one of the primary forms of artistic expression. Despite tribal dance forms being one of the most ancient and integral forms of traditional cultural expression (TCE), the Indian legal system has failed to provide the requisite protection to this art form through the passage of intellectual property rights. This is proven through issues regarding definition, risk of unauthorized use, and the incompatibility between existing intellectual property systems and traditional knowledge.

LITERATURE REVIEW

1. ISSUES REGARDING DEFINITION

India's current infrastructure for intellectual property (IP) protection is incredibly progressive, protecting a wide range of tangible and intangible assets, such as creative works, trade secrets, new inventions, etc.[4] The Copyright Act, 1957, forms the backbone of India's IP framework. To preserve original works and prevent unauthorized copying and distribution, it extends its hand into safeguarding literary, musical, dramatic, and artistic works that meet the requirements of originality, authorship, and fixation in a tangible medium.[5] However, this framework is based on Western notions, finding itself incompatible when applied in the context of tribal dance forms.[6] The Copyright Act, 1957, uses terms such as 'author' and 'choreography' while describing the necessary criteria for protection under this act, yet the dynamic and community-based nature of tribal dance forms does not allow it to fit into the boxes given, as tribal dances are collective, orally transmitted, and ever-evolving, lacking a specific author and fixed nature.

[3] INDIA CONST. art. 342, § 1.

[4] Shivi Sharma & Shava Devi, *Navigating the Intellectual Property Landscapes in India: Unveiling Challenges and Solutions in Safeguarding IP Rights*, 7 Int 3248.
[5] The Copyright Act, 1957, No. 14, Acts of Parliament, 1957 (India).
[6] *Supra* note 4.

Similarly, the Geographical Indications of Goods (Registration and Protection) Act, 1999, intends to register and better protect geographical indications relating to goods.[7] This essentially aims to protect products originating from a specific region and derive their value from that region, such as Darjeeling Tea. Although this act aspires to preserve the cultural heritage belonging to a specific region, it fails to adequately consider intangible and performative forms of heritage like dance, rendering them legally invisible.

2. CRITICAL ANALYSIS OF EXISTING IP LAWS

This gap between the current legal terminology and the protection needed brings about circumstances wherein ample protection is not feasible. Standard definitions are not fixed as to what exactly constitutes a tribal or traditional dance form, nor how exactly it is to be protected. This manifests itself in the form of jurisprudential silence, where incredibly limited to no cases directly address dance rights. For example, much ambiguity surrounds what counts as traditional knowledge (TK) and traditional cultural expressions (TCEs).[8] Provisional definitions do exist, but in order to establish stable legal frameworks, universally agreed definitions must be present.

Another issue presents itself in the protection of choreography, and what constitutes an original choreography worth legal protection. Under the Copyright Act, 1957, choreography is defined as a dramatic work written down or recorded in some manner, without using a cinematograph film.[9] Can this definition be applied in the context of tribal dance forms? Most tribal communities orally transmit their cultural knowledge, without necessarily following a systematic structure of recording the choreographies.[10] The subjective nature of the topic also adds to the ambiguity of protection, making it difficult for the tribal dance forms to gain the needed protection.

3. RISK OF UNAUTHORIZED USE

The dance forms are at risk of unauthorized use without proper legal protection. The holders of this knowledge generally belong to communities with limited bargaining power and cannot make their voices heard.[11] Their knowledge is shared by a community and protected by none. This paves the way for biopiracy, which refers to the process of taking indigenous peoples' knowledge without compensation or prior agreement, leading to either misrepresentation or unfair use of this knowledge. Some examples include 'Pinga' from "Baji Rao Mastani" (2015), 'Morni Baga Me' from "Lamhe" (1991), 'Bismil' from "Haider" (2014), etc.[12] In these examples, tribal dance forms have been reproduced in media without community consent. The actual creators of the dance form are not given due credit and are ignored, with their culture being watered down or misrepresented. This can be seen in the case of the famous Bollywood

[7] THE GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999, No. 48, Acts of Parliament, 1999 (India).
[8] Christoph Antons, *Asian Borderlands and the Legal Protection of Traditional Knowledge and Traditional Cultural Expressions*, 47 Modern Asian Studies 1403 (2013).
[9] The Copyright Act, 1957, § 2(h), No. 14, Acts of Parliament, 1957 (India).

[10] R Bhuvaneswari, *Copyrights Protection of Dance Choreography- Problems and Prospects*, 6 International Journal for Multidisciplinary Research (IJFMR) 1 (2024).
[11] John Reid, *Biopiracy: The Struggle for Traditional Knowledge Rights*, 34 Am. Indian L. Rev. 77 (2009).
[12] M K Mrudula, *AN ANALYTICAL STUDY OF TRIBAL DANCES AND THE ROLE OF INTELLECTUAL PROPERTY LAWS*, 4 Indian Journal of Law and Legal Research 1.

film 'Padmavat' (2018), directed by Sanjay Leela Bhansali, in which the dance in the song "Ghoomar" was based on Ghoomar, a traditional folk dance originating from the Bhils Tribe of Rajasthan.

Additionally, profit flows to commercial entities in these scenarios, neglecting tribal communities. Another example of the misrepresentation of tribal dance forms occurred in 2006, when the Fiat company used the haka dance, a traditional dance of the Maori tribe of New Zealand, to promote the release of a new car. The New Zealand Ministry of Foreign Affairs and Trade (MFAT) deemed this misappropriation of the haka dance to be culturally insensitive and inappropriate.

4. INCOMPATIBILITY BETWEEN TRADITIONAL KNOWLEDGE AND IP SYSTEMS

Through the above examples, it can be seen that there is a pressing need for the protection of these tribal dance forms. They extend beyond a representation of the tribal culture, but are also a significant form of livelihood for tribal communities through performances, markets, fairs, etc.[13] The current definitions provided in IP systems are insufficient for appropriately protecting these arts. Traditional knowledge and forms of expression are highly subjective, taking on many different forms from region to region.[14] This makes it all the more challenging to ensure adequate protection, posing problems in the fixation of the dance forms and identifying authorship, two main criteria needed to ensure legal protection under Indian copyright law.[15] Another issue arises in preserving the authenticity and attribution of the dance forms. Putting these dance forms through a legal process poses a risk for the dilution and changing what is meant to be a traditional practice.[16] This risks damaging the inherent culture of the dance form itself.

5. PROPOSALS FOR REFORM

Various steps have been taken to address this issue and ensure the proper protection of tribal and traditional forms of expression. Existing international efforts include the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Berne Convention, and the in-process Traditional Knowledge Bill, along with attempts to identify the lacunae in law in conferring IP protection for tribal dances.

The UDHR was a milestone document in terms of the protection of human rights, being the first document to set out the universal protection of human rights.[17] This paved the way for several prospects towards the furtherance of the protection of human rights, such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This declaration set out

[13] *Preserve, Promote Tribal Cultures to Uplift Tribal Lives: Jual Oram - The Economic Times*, https://economictimes.indiatimes.com/news/politics-and-nation/preserve-promote-tribal-cultures-to-uplift-tribal-lives-jual-oram/articleshow/46243545.cms?from=mdr (last visited Oct. 8, 2025).
[14] *Supra* note 8.
[15] *Supra* note 10.
[16] *Supra* note 12.
[17] *Universal Declaration of Human Rights | United Nations*, https://www.un.org/en/about-us/universal-declaration-of-human-rights (last visited Oct. 8, 2025).

principles for protecting tribal heritage, in terms of traditions, customs, religion, etc.[18] On the other hand, ICESR is a multilateral treaty that recognizes that conditions must be created whereby everyone may enjoy their economic, social, and cultural rights, as well as their civil and political rights.[19] Furthermore, the Berne Convention for the Protection of Literary and Artistic Works was an international assembly in 1886, wherein ten European countries came together to establish a set of legal principles for the protection of original work.[20] This convention addressed the various definitions, limitations, criteria, and rights surrounding copyright and the protection of artistic works. However, these existing regulations are not enough to ensure adequate protection. Further steps are required, including modifications to the existing laws, to achieve more flexibility. Intensive efforts and international cooperation are needed to build fair and adequate legal safeguards.

With this in mind, the Protection of Traditional Knowledge Bill, 2022 was passed in the Lok Sabha in 2022. This bill delves into the definition of traditional knowledge, aiming to provide for its preservation, promotion, management, or unauthorized commercial exploitation.[21] However, even in this bill, many issues present themselves when compared to international laws regarding the protection of traditional knowledge. Firstly, separate definitions have not been given for traditional knowledge and traditional cultural expression, whereas they have been defined as separate concepts internationally. Furthermore, a limit is kept on the number of generations through which knowledge can be passed. Lastly, no specific mention has been given to indigenous or local communities. This furthers the point that intensive efforts and international cooperation are needed to build fair and adequate legal safeguards, and ambiguous and vague definitions must be avoided to ensure adequate protection.

UNDERSTANDING THE LAW AND THE CASE LAWS

1. WHAT DO THE CASE LAWS SAY?

Despite tribal dance forms being so deeply ingrained in India's vast cultural heritage, no specific provision has been allotted towards their protection. The voices of tribal communities remain unheard, and they are not given rights concerning the protection of their knowledge and culture.[22] This part of the research paper delves into how, in spite of this, there is still a convergence between the law and the protection of tribal dance forms, present in the Copyright Act, 1957, and the Geographical Indications Act, 1999, as well as various case laws.

1.1. AMBIGUITY OF DEFINITION

The Copyright Act, 1957, protects original works that fall under the "dramatic works" category, which may include choreography and dance routines, but are not mentioned explicitly.[23] Another issue arises in the fact that tribal or traditional dance styles are not explicitly mentioned

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[18] *United Nations Declaration on the Rights of Indigenous Peoples | Division for Inclusive Social Development (DISD)*, https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples (last visited Oct. 8, 2025).
[19] *International Covenant on Economic, Social and Cultural Rights*, OHCHR, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights (last visited Oct. 8, 2025).
[20] *WIPO Lex*, https://www.wipo.int/wipolex/en/text/283698 (last visited Oct. 8, 2025).
[21] Dr Nandita S Patil, *Concept of Traditional Knowledge in the Protection of Traditional Knowledge Bill 2022: A Comparative Analysis.*
[22] *Supra* note 11.
[23] *Supra* note 5.

within the Copyright Act. The criteria for protection, namely originality, fixation in a tangible medium, and recognizable authorship, are instant barriers for tribal dance. Tribal dances tend to be passed down orally, have joint authorship, and change from generation to generation. Fixation and sole authorship, requirements under the Copyright Act, tend to be absent from such a tradition. Additionally, Section 31A of the Copyright Act also provides mandatory licensing where the author is deceased or anonymous.[24] However, this mechanism is unsuited to "living traditions" and does not solve continuous community claims, attribution, or benefit-sharing for collective creative work.

On the other hand, the Geographical Indications Act, 1999, shields "goods" having a particular geographical provenance and unique cultural reputation.[25] Although it effectively safeguards Indian crafts and handmade goods, such as textiles or artwork, it is not as successful in protecting intangible art forms, such as performances or dances. GIs are collective rights that correspond to collective tribal knowledge and tradition. However, their application is mainly confined to the material, "product" facets of culture, not living art forms such as dance.

1.2. LEGAL LIMITATIONS

The Copyright Act and GI Act were created mainly to protect individual, commercial creators and products, not dynamic, collectively owned oral and visual traditions. The Copyright Act's stringent requirements for fixation, originality, and a limited term of protection disqualify most tribal dances, which are rarely written down, from distinct authorship, as they were intended to be practiced indefinitely.[26] GI protections cannot be claimed on dance forms as they are intangible. Even if communities achieve GI protection for a product, it does not imply protection against misuse or misrepresentation of associated dance, music, or oral traditions.

Furthermore, neither law effectively protects against the misuse of tribal dances in motion pictures, advertisements, or performances. However, such use commonly weakens or misinterprets sacred traditions without credit or gain for the communities that created them, as seen in the Fiat commercial and popular Bollywood movies such as Padmavat, Bajirao Mastani, etc.

Copyright, when obtained, provides limited remedies. Usually, it applies only to work as "fixed," not to the wider living tradition.[27] GI law, on the other hand, cannot adequately safeguard non-product cultural practices against misrepresentation or exploitation.

Tribal dances, as traditional knowledge and expression, are dynamic, evolving, and communally owned. They often defy the legal constructs of "work," "author," "originality," and "fixation" central to both Acts. The requirement of "fixation" and the limited term under the copyright law exclude most tribal dance forms, as they constantly evolve. GI's exclusion of intangible art forms thus ignores performance and ritual arts central to cultural identity.

If implemented mechanistically, both schemes threaten to commodify or distort established practice, possibly depriving dances of their proper context and meaning for the collective good of "protection."

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[24] The Copyright Act, 1957, § 31(a), No. 14, Acts of Parliament, 1957 (India).
[25] *Supra* note 7.
[26] *Supra* note 10.
[27] *Supra* note 12.

1.3. FUTURE PROSPECTS

Both the Copyright Act, 1957, and the Geographical Indications Act, 1999, shed light on lacunae, which scholars and policymakers alike now acknowledge. In order to effectively accommodate the protection of tribal dance forms as well, sui generis legislation on folklore, extension of intellectual rights in communities, new definitions of ownership and authorship for communal traditions, and new time standards for living traditions are all possible steps that can be taken.

Internationally, WIPO and UNESCO promote legislative and policy adaptability, community engagement, and safeguarding cultural expressions beyond commercial "goods". In recent times, multiple debates have occurred surrounding the topics of tribal rights and the protection of traditional knowledge. India's current policy debates and draft bills allude to such emerging consensus, but statutory reform is still lagging behind the requirements of tribal communities.

GI's model of community rights is promising. Similar community-based, perpetual-right frameworks could be adapted to intangible traditions like dance, music, and oral heritage, ensuring protection and cultural authenticity.

2. WHAT DO THE CASE LAWS SAY?

India's rich and varied tribal dance tradition confronts serious vulnerabilities in the intellectual property (IP) law environment. Legal provisions, particularly the Copyright Act of 1957, offer only fragile and confusing protection, essentially not providing specific, nuanced protections for traditional and tribal dance traditions. Four cases, namely *Gramophone Company of India Ltd. v. Super Cassette Industries Ltd., Academy of General Education Manipal v. Malini Mallya, Anupama Mohan v. State of Kerala, and Dagar v. A.R. Rahman,* shed light on the intricate problems and challenges that occur when placing such arts within the ambit of contemporary IP protection.

In *Gramophone Company of India Ltd. v. Super Cassette Industries Ltd.*, the Court decided on unauthorized remixing of sound recordings, focusing on protecting original recordings under copyright and ensuring permissions for derivative ones.[28] The Court pointed to ownership and infringement under traditional music copyrights.

In the case of *Academy of General Education Manipal v. Malini Mallya*, the Supreme Court maintained Malini Mallya's copyright over the Yaksharanga ballet, acknowledging choreography as a dramatic work under copyright law, upholding inheritance of rights, and denying unauthorized performances by others.[29]

In *Anupama Mohan v. State of Kerala,* performers' rights were established over choreography and recording in a youth festival, highlighting difficulties safeguarding collective traditional dances against unauthorized commercial exploitation and unclear claims of authorship.[30]

[28] Gramophone Co. of India Ltd. v. Super Cassette Indus. Ltd., (2010) 44 PTC 541 (Del.).
[29] Academy of General Education, Manipal v. B. Malini Mallya, (2009) 4 SCC 256.
[30] Anupama Mohan v. State of Kerala and Ors. WP(c) no. 22790 of 2015.

Lastly, in *Dagar v. A.R. Rahman*, the Court resolved copyright disputes regarding classic Dhrupad pieces used in modern music, resolving significant questions regarding attribution, public domain, and protection of cultural heritage in modern adaptations.[31]

2.1. COMPLICATIONS OF CHARACTERIZATION

In current IP law, Section 13 and Section 17 of the Copyright Act identify "dramatic works" and include dance choreography under their purview.[32] Nonetheless, as these cases illustrate, there remains uncertainty in establishing ownership, originality, and authorship when dance forms originate from collective tradition rather than personal creation.

Academy of General Education Manipal v. Malini Mallya explicitly dealt with whether new manifestations of ancient forms (here, Yaksharanga ballet from Yakshagana) are copyrightable.[33] The Court acknowledged the choreographer's adapted dance as an "artistic work," conferring rights on her as the author of the dance form, but only after determining the work to be original and having literary fixation. This case underlines the intricacies involved in ownership of mutually developed traditions and the limitations in applying contemporary IP definitions to indigenous art.

In *Anupama Mohan v. State of Kerala*, the action was instituted by a dance teacher of Kuchipudi protesting against unauthorized commercial exploitation of performance recordings.[34] The Kerala High Court acknowledged the concept of performers' rights in their choreographic work but also exposed the challenges regarding identifying the 'author' of a work, i.e., whether the teacher, performer, or videographer can be considered the author. This highlights the challenge in lawfully characterizing and safeguarding non-individuated, dynamic traditional knowledge (TK) and traditional cultural expressions (TCEs).

Contemporary IP laws are individualist, requiring explicit originality, authorship, and fixation standards. These tests contrast greatly with tribal dance's emerging, group-based, and oral nature.

Gramophone Co. of India Ltd. v. Super Cassette Industries Ltd. addressed ownership and unauthorized sound recording remixing.[35] The Court's insistence on explicit permissions for new recordings, which is the strong standard of copyright infringement in commercial art, reveals the inadequacies of current law in the context of tribal performances. These are community-created, orally transmitted, and do not have standardized authorship or registration.

In all these instances, the courts stressed documentary proof and textual fixation as protection conditions, ignoring tribal art forms, which are generally passed orally and communally down generations. The confusion in the definition of "original choreography" and "authorship" renders so many traditional arts invisible to the law and, hence, falls between the cracks of the system that should protect vulnerable creators.

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[31] Ustad Faiyaz Wasifuddin Dagar v. A.R. Rahman & Ors., CS(COMM) 773/2023 (H.C. Delhi).
[32] *Supra* note 5.
[33] *Supra* note 30.
[34] *Supra* note 31.
[35] *Supra* note 29.

2.2. MISUSE AND EXPLOITATION

Profiteering from tribal dance forms through unauthorized recording, commercialization, and cultural appropriation chronically damages their inherent culture.

Anupama Mohan v. State of Kerala exposed how big, state-sponsored events benefit from the recording of performing children without their permission.[36] This is a contemporary reflection of the ongoing abuse in commercial media, including Bollywood films appropriating folk dance forms without credit or benefit-sharing with the original communities, such as 'Pinga' from "Baji Rao Mastani" (2015), 'Morni Baga Me' from "Lamhe" (1991), 'Bismil' from "Haider" (2014), etc.[37]

The *Dagar v. A.R. Rahman* dispute revolved around the employment of classical Dhrupad pieces in the score of a modern-day movie, and delved into issues of permission, credit, and public domain.[38] The case illustrated how the absence of defined thresholds between communal heritage and contemporary adaptation invites misuse and cultural homogenization unless effective mechanisms of consent and benefit-sharing are in place.

2.3. PRESERVING AUTHENTICITY AND ATTRIBUTION

The incompatibility between traditional knowledge and IP systems is rooted in varying notions of creativity, transmission, and ownership in local populations and those formalized in statutory IP frameworks. It is also present due to the ambiguous nature of legal provisions surrounding the protection of tribal dance forms.

Academy of General Education Manipal v. Malini Mallya finally necessitated that the adaptation (Yaksharanga) be adequately distinct, original, and fixed in a literary or dramatic form to confer individualized copyright.[39] This fixation and obvious authorship requirement are incompatible with traditions passed on through community memory, oral teaching, and collective expression, as with indigenous dance forms.

Performer's rights, as defined in the Copyright Act, 1957, give performers of a certain art the exclusive right to broadcast performances, make sound or visual recordings, produce the sound or recording, and communicate the work other than by broadcasting.[40] Anupama Mohan's case also illustrated that although performers' rights provide some safeguarding, the legal process threatens to erase authenticity and tradition by compelling communal art into fixed legal categories. Attribution and authenticity of these art forms are threatened with dilution when legal fixation occurs or when performances go into mass media, posing significant challenges concerning protecting these dance forms without harming their integrity.

2.4. NECESSITY FOR CHANGES

All of the above cases reveal the necessity for reforms that suit the ground realities of tribal arts. The existing international conventions (such as the Berne Convention) and Indian law follow a one-size-fits-all policy that tends to overlook traditional and communal works. The decisions by courts, as in the Malini Mallya and Anupama Mohan cases, indicate the necessity

[36] *Supra* note 30.
[37] *Supra* note 12.
[38] *Supra* note 31.
[39] *Supra* note 29.
[40] The Copyright Act, 1957, § 38, No. 14, Acts of Parliament, 1957 (India).

of sui generis legislation safeguarding communal authorship, gradual evolution, and moral rights of cultural custodians, in tandem with proposals in international debates on the protection of traditional knowledge.

Thus, the adequate protection of tribal dance forms necessitates legislative intervention, such as the in-process Protection of Traditional Knowledge Bill, and transnational cooperation to forge cross-border protocols for the protection, attribution, and benefit-sharing of indigenous artistic and cultural heritage.

REFLECTION

Through this study, I learned about the complexities between the interplay of rigid IP laws and the communal and oral nature of tribal cultural assets and traditions. Despite existing international efforts, within India, requisite efforts are not being put towards the protection of tribal dance forms, thus necessitating urgent reforms. The voices of tribal communities are not heard, and are thus falling victim to misrepresentation, exploitation, and unfair use of culture. This brings in a need for a specific statute regarding the protection of traditional knowledge and cultural assets, bringing within it tribal dance forms. In addition, this project also helped me gain a deeper understanding of how ambiguity in legal language can hinder adequate protection.

PROBABLE IMPLICATIONS

Conducting a study on the IP protection of tribal dance forms has many cultural, legal, and socio-economic implications. Through this study, the challenges posed by current intellectual property frameworks have been highlighted. Tribal dances have been left vulnerable under existing laws, with no specific statute safeguarding these unique cultural traditions, thus exacerbating the risk of exploitation and misrepresentation of tribal dances. This research may also reveal how subjecting these traditions to rigid legal criteria can inadvertently dilute their authenticity, changing the very nature of the cultures they seek to protect. Ultimately, the study sheds light on the imperative of legal reform, urging clearer, more inclusive definitions. Additionally, this project suggests a need for greater international cooperation, in order to prevent the continued misuse and erosion of tribal cultural identity.

Using this study, policymakers can recognize the unique identity and value of tribal traditions, and thus put in place measures to prevent misappropriation by external bodies, in turn empowering tribal communities. The development of IP protection can thus raise awareness, drive social justice, and encourage sustainable use and preservation for tribal culture.