


Chapter 3

Intellectual Property as a Tool for Protecting Cultural Heritage in Post–Conflict Georgia, Armenia, and Azerbaijan

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ABSTRACT

This paper examines the intersection of cultural heritage protection and intellectual property (IP) law in the post-conflict states of Armenia, Georgia, and Azerbaijan. Each country, shaped by historical upheaval and disputes, has developed legal mechanisms to protect tangible and intangible cultural assets. Traditional frameworks like the 1954 Hague Convention and the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage are complemented by IP tools such as geographical indications, copyright, and folklore laws. Georgia protects traditions from Abkhazia and South Ossetia; Azerbaijan applies folklore laws to Shusha; and Armenia integrates IP to safeguard traditional knowledge and religious artifacts. Although progress is evident, challenges in enforcement, awareness, and rural access persist. The paper argues that incorporating IP rights into heritage policies strengthens national identity, supports reconciliation, and enhances sustainable cultural governance in post-conflict societies.

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INTRODUCTION

In post-conflict societies, cultural heritage serves as both a symbol of resilience and a foundation for national identity. Armenia, Georgia, and Azerbaijan—three South Caucasus countries shaped by historical conflict and geopolitical instability—have each developed legal frameworks to protect their rich cultural legacies. At the intersection of this effort lies intellectual property (IP) law, which increasingly provides the tools needed to safeguard both tangible and intangible cultural assets. In all three countries, the preservation of cultural heritage is not merely a matter of historical interest—it is a legal, political, and cultural imperative. Each nation has ratified key international treaties such as the 1954 Hague Convention and the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, while also enacting national legislation to protect monuments, folklore, and traditional knowledge. The role of intellectual property in this context is crucial. While traditional cultural expressions often fall outside the scope of conventional IP systems, countries like Georgia, Armenia, and Azerbaijan have taken important steps to adapt copyright law, geographical indications (GIs), and sui generis protections to fit their cultural realities. These mechanisms serve not only to protect local creativity but also to reinforce national sovereignty, especially in contested or occupied regions. **In Georgia**, IP rights such as GIs and copyright are used to preserve heritage goods like wine, cheese, and polyphonic music, particularly in the post-conflict regions of Abkhazia and South Ossetia. **In Azerbaijan**, the use of folklore protection laws and copyright enforcement is closely tied to national cultural restoration efforts in reclaimed areas like Shusha, following the Nagorno-Karabakh conflict (Yigit, 2022). Meanwhile, **Armenia** has adopted a layered approach that integrates IP protections with heritage laws, supporting both the legal recognition of traditional knowledge and the digitization of ancient manuscripts and crafts. Despite legislative progress, all three countries face similar challenges: uneven enforcement in rural or disputed areas, limited public awareness of IP rights, and the ongoing risk of cultural misappropriation, especially in the digital age. Nevertheless, the integration of IP into heritage policy provides a powerful framework for managing identity, innovation, and reconciliation in post-conflict settings. This comparative analysis explores how Armenia, Georgia, and Azerbaijan are navigating the complex relationship between cultural heritage and intellectual property, and offers insights into how IP can serve as a tool of preservation, empowerment, and peacebuilding in transitional legal systems.

Research goals and objectives: This research aims to examine the role of intellectual property (IP) rights in the protection of cultural heritage within the post-conflict contexts of Armenia, Georgia, and Azerbaijan. It explores how legal mechanisms such as geographical indications, copyright, folklore protection, and trademarks are employed to safeguard both tangible and intangible cultural assets.

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