



Intellectual property issues strike...

At the heart of the steelpan

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The intellectual property (IP) issues that have plagued the steelpan, a musical instrument created from discarded metal oil barrels by impoverished musicians, strike at the heart of intellectual property issues affecting the developing world.

As the music, first developed in Trinidad and Tobago, has become symbolic of Caribbean innovation in music, the region has also shared the instrument's quest for recognition.

The complexities of globalisation, competitive trade and intellectual property regimes have made it difficult to establish ownership and innovation in the creative sectors.

Much about the development of the steelpan still resides unrecorded within oral and traditional knowledge, even as engineers and musicians apply new technologies to the instrument.

This month's clash between University of the West Indies (UWI) lecturers and technicians and the Government of Trinidad and Tobago is not the first time that contestations of ownership have arisen over the steelpan, its music, and the processes of manufacture and tuning.

Several claimants outside of the region have filed for patents on various aspects of the steelpan design and tuning processes and various universities in North America, the UK, Europe, Japan and Australia offer academic courses in pan music, tuning and design.

For example, a patent claim by two US academics, titled "Production of a Caribbean Steelpan," is being appealed by the Trinidad and Tobago Government.

In this case, University of Delaware music lecturer Harvey Price, director of the Delaware Steel ensemble, and his colleague, chemical engineer George Whitmyre, were granted a claim in 2001.

The Whitmyre/Price patent uses hydroforming, more commonly used in car manufacturing, as a cost-effective way of using high-pressure hydraulic fluid to mould malleable metal into lightweight, strong, complex shapes.

The two academics formed a company, HydroSteel, with European partner Judith Spoo who is associated with the PANKULTUR Steelband and Association in Germany and is vice president of Steelpan European.

Steelpan European, an organisation of steelpan interests in Belgium, the Netherlands, Germany, Sweden, the UK, Switzerland, Denmark, Finland and France, describes itself on its Web site as "a pan-european organisation united by an inherent and genuine interest to explore and develop the full potential of the steelpan instrument and the talent which abounds in its members. The countries have signed a co-operating agreement which enunciates its long-term direction ensuring that the organisation grows with a vision and common objectives in mind."

According to a 2002 statement by Horace Morancie, the Trinidad-born president of the United States Steelband Association (USSA), the patent could be challenged on the grounds that the hydroform press was also used to produce tenor pans in the 1970s at the Caribbean Industrial Research Institute (Cariri).

However, several 2002/2003 articles said the innovators, includ-

ing UWI senior engineering lecturer Clement Imbert, did not apply for a patent because they did not have enough money and because government advisers said the process would be too arduous, thus leaving the door open for others to take advantage of the situation.

But there has been some progress. A US tenor pan patent in which Trinidad-born American Trevor King claimed to originate an arrangement of notes called the Cycle of Fifths was revoked last year when the Trinidad and Tobago Government provided evidence that the pattern was identical to that developed by local steelpan pioneer Anthony Williams in the 1940s.

Oral testimonies, meanwhile, place the origin of the pan to backyard inventors of the 1920s and 1930s, which suggests that modern innovators are benefiting while the pioneers remain unrecognised.

The current dispute between a government and some UWI engineers and technicians surrounding ownership in the digital and electronic age, now adds a different dimension to the continuing saga of the steelpan.

On the one hand, while it shows up glaring deficiencies in the knowledge of high education administrators about IP issues, it gives new cause for research and development institutions in the region to inspect and upgrade the status of their IP arrangements with staff, associates and funders, as it promises to test the UWI policy on paper and in practice.

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