

**Idea, Difficulties and Breakthrough of Maintaining Taiwanese
Indigenous People's Biodiversity Knowledge and Intellectual
Property: Case of thieving forest product**

Abstract

To protect the fundamental rights of indigenous peoples, promoting their subsistence and development and building inter-ethnic relations based on co-existence and prosperity, "The Indigenous People Basic Law" was implemented in February, 2005, and the regulation of article 13 of it is: The government shall protect indigenous peoples' traditional biological diversity knowledge and intellectual creations, and promote the development thereof. What indigenous people do in traditional territories are collecting forest product, making daily supplies, and doing carvings, and which are functions the territories provides. However, the common case of being accused of thieving forest product becomes one of the major underlying concerns for Taiwanese indigenous people to put biodiversity knowledge into practice and to pass down intellectual property by continuing their traditional lifestyle. Therefore, this research purposes to systematically analyze the related judicial issues and to attain the cases that indigenous people being accused of thieving forest product by the law searching system of Judicial Yuan, analyzing facets of real situations of every cases, judicial recognition, cultural shock, etc, hoping to present the difficulties and to figure out solutions to break through.