

Canadian Council for
**ABORIGINAL
BUSINESS**



Understanding Intellectual Property Awareness & Use by Indigenous Businesses

2019 Intellectual Property Survey
of Indigenous Businesses

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ENVIRONICS
ANALYTICS



Innovation, Science and
Economic Development Canada

Innovation, Sciences et
Développement économique Canada

About the 2019 Intellectual Property Survey of Indigenous Businesses

The increasing importance of knowledge and innovation in business has helped draw attention to the value of Intellectual Property (IP) protection. IP is of interest to Indigenous peoples as a potential mechanism to both increase their economic power and to protect Indigenous traditional knowledge (TK) and cultural expressions (CEs).

In partnership with the Department of Innovation, Science and Economic Development (ISED) Canada, the Canadian Council for Aboriginal Business (CCAB) embarked on the 2019 Intellectual Property Survey of Indigenous Businesses to develop a better understanding of awareness and use of IP among Indigenous businesses.

The information collected will be used to update programs and services to be more inclusive of Indigenous business realities, and engage Indigenous entrepreneurs on ways to protect TK and CEs in the Canadian context.

Methodology

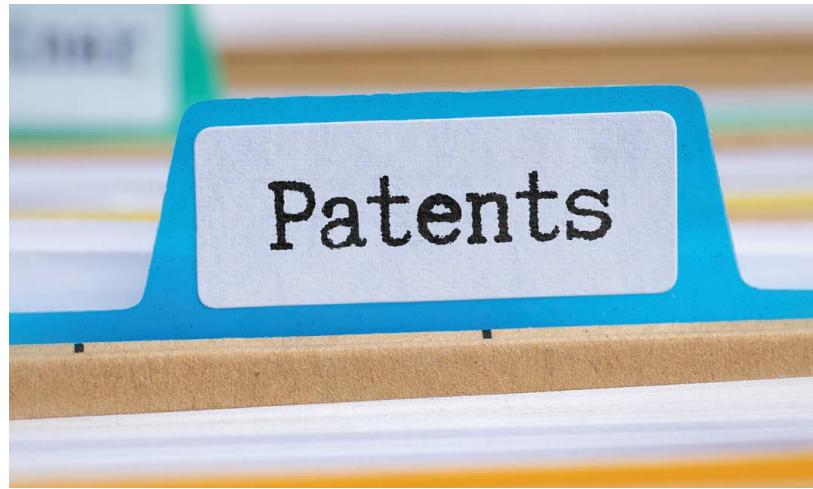
This report presents the results of a telephone survey conducted with 1,100 First Nations, Inuit, and Métis business owners across Canada, between August 7 and September 10, 2019. The sample was sourced from an extensive list of Indigenous-owned businesses developed and maintained by CCAB.

All of CCAB's research reports, including this current one, are available for download at www.ccab.com/research.

IP Familiarity

There is widespread familiarity with the six types of IP covered in the survey, and more so than for the general term “intellectual property.” Familiarity is highest for copyright (76%) and trademarks (75%), followed by patents (68%).

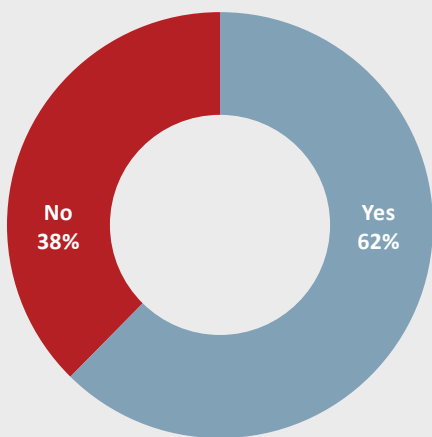
More than half are familiar with trade secrets (59%) and industrial designs (55%). By comparison, familiarity is lower for geographical indications (34%).



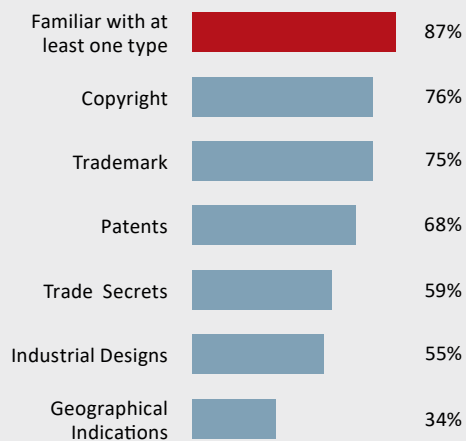
The findings of this study indicate that business owners who accessed IP information are more familiar with all six types of IP identified in this study, a correlation which suggests there could be value in promoting IP knowledge through improved availability of IP information.

One in five (20%) Indigenous business owners have sought information about IP in the past few years, most of whom (84%) found what they needed. Indigenous business owners who recently looked for information on IP mostly focused on the process of filing for IP protection. Outside law firms are the most widely used source of information on IP matters (32%), while 7% consulted the resources of the Canadian Intellectual Property Office (CIPO).

Heard the term “Intellectual Property”

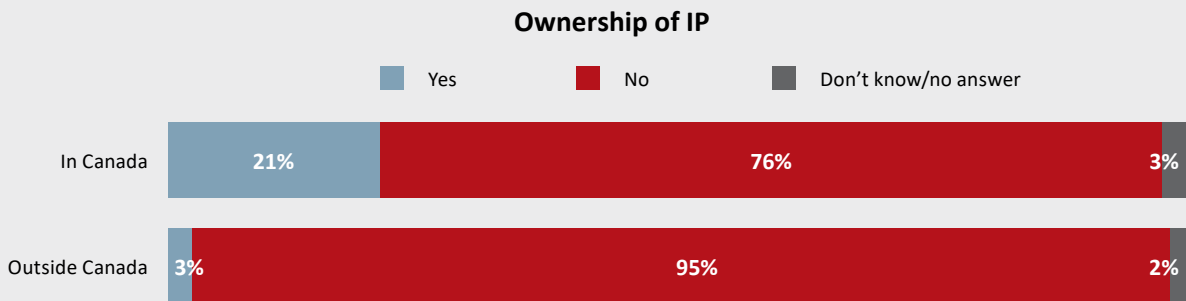


Familiarity with each type of IP (% familiar)



IP Use

Two in ten (21%) Indigenous business owners say they currently own IP in Canada, the most common being copyrights (10%) and trademarks (9%). Three percent (3%) own IP outside Canada. Half (51%) of IP owners have a formal strategy in place to protect their IP.



Impact of IP on Business Performance

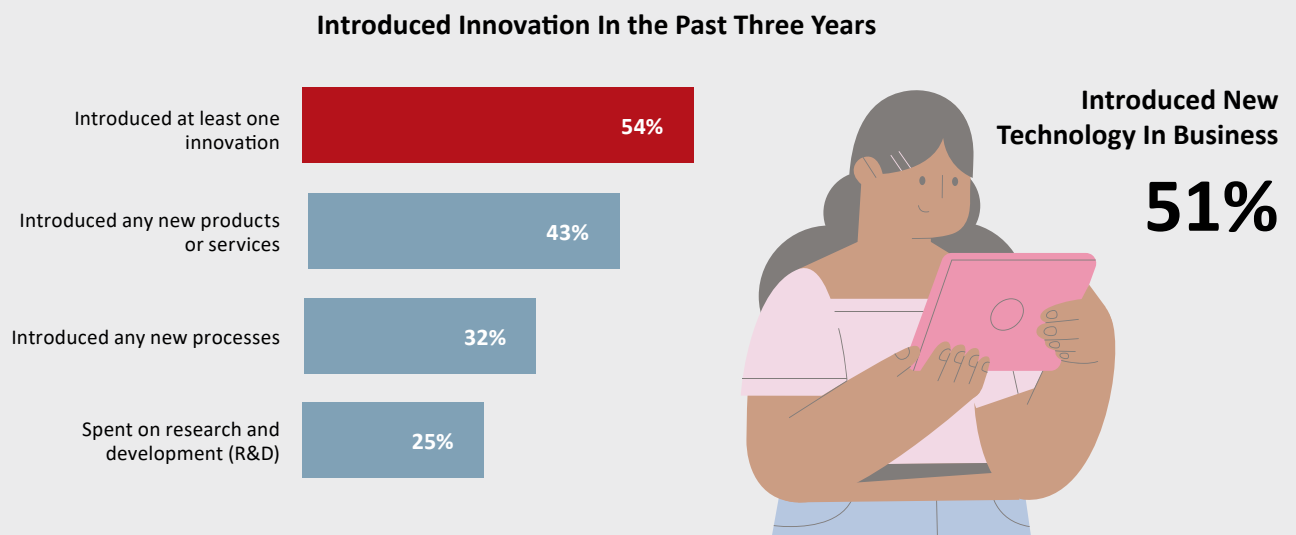
Most Indigenous entrepreneurs who own IP agree it has contributed to their business performance in various ways, including improved long-term business outlook (80%), increased business value (76%), higher revenue (72%), and opportunities for partnership and collaboration (70%).

Technology, Innovation and the Future of Work

Indigenous businesses recognize the importance of innovation. More than half (54%) Indigenous businesses either introduced innovations in the forms of new products or services (43%) or new processes (32%) or spent on R&D (25%) in the past three years.

Half (51%) of Indigenous businesses say they recently introduced or are currently looking at introducing new technologies into their businesses.

A wide variety of skills and knowledge are needed to help apply new technologies, most commonly computer programming and coding (25%). Other skills that businesses anticipate needing are general computer skills (19%), marketing/digital marketing (15%), IT networking and support (14%), and data analysis/management (11%). Some businesses anticipate they will need skills and knowledge unrelated to new technologies (17%).



Use and Protection of Traditional Knowledge (TK) and Cultural Expressions (CEs)

TK and CEs can be integrated into Indigenous business models to enhance innovation. They can be found in various contexts and have multiple business applications in agriculture, science and technology, ecology, biodiversity, and medicine. However, their collective and evolving character makes them difficult to protect under the current IP system. Moreover, TK and CEs are often viewed as sacred; thus, they are not always meant to be shared.



A majority (61%) of Indigenous business owners report using either TK (54%) or CEs (48%) in their business. The most widely used types are arts & crafts (27%) and oral storytelling (24%).

Indigenous businesses that use TK or CEs in their business are more likely to be familiar with geographical indications (38%, vs. 27% who do not use TK/CEs). Geographical indications link products to a place of origin essentially responsible for their qualities, characteristics, and reputation.

Reported use of TK is higher among women-owned businesses than among men-owned businesses (66%, vs. 48%).

One in five (20%) Indigenous businesses that use TK or CEs have IP protection for it, and more than one in four (28%) use other non-IP protections such as following community/customary rules for how it is used (11%), documentation, databases, and registries (7%) and public education and awareness (6%).

A small group (7%) of Indigenous TK and CEs users say they have had unauthorized use of their TK and CEs. Financial loss (34%) and loss of cultural meaning (31%) are identified as the most common consequences of unauthorized use.

For a more in-depth discussion on the topic of Traditional Knowledge and Cultural Expressions, please see the following:

Assembly of First Nations

https://www.afn.ca/uploads/files/env/ns_-_traditional_knowledge.pdf

Alaska Native Knowledge Network

<http://www.ankn.uaf.edu/>

Atlantic Policy Congress of First Nations Chiefs

https://www.apcfnc.ca/wp-content/uploads/2020/06/FinalReport-HonouringTraditionalKnowledge_1.pdf

UNESCO

<http://uis.unesco.org/en/glossary-term/traditional-knowledge>

WIPO

<https://www.wipo.int/tk/en/tk/>

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2 Berkeley St #202,
Toronto, ON M5A 4J5
Telephone: 416-961-8663
Fax: 416-961-3995
www.ccab.com