Canadian Council for ABORIGINAL BUSINESS

Understanding Intellectual Property Awareness & Use by Indigenous Businesses

2019 Intellectual Property Survey of Indigenous Businesses

SUMMER 2021





Innovation, Science and Economic Development Canada

Innovation, Sciences et Développement économique Canada

About Canadian Council for Aboriginal Business (CCAB)

Canadian Council for Aboriginal Business (CCAB) is committed to the full participation of Indigenous peoples in Canada's economy. As a national, non-partisan association, CCAB has a mission to promote, strengthen and enhance a prosperous Indigenous economy through the fostering of business relationships, opportunities and awareness. CCAB offers knowledge, resources and programs to its members to foster economic opportunities for Indigenous peoples and businesses across Canada.

For more information, visit www.ccab.com.

CCAB Research

CCAB Research continuously strives to support Indigenous communities and companies in Canada. Our work is used to develop policies and programs for federal and provincial governments and corporate Canada. Identifying how Indigenous businesses can take part in supply chains, making meaningful connections through networking events, and developing customized business lists of relevant Indigenous companies are just a few ways CCAB research can help unlock an organization's potential. The goal is to assist in fostering meaningful relationships with Indigenous peoples, businesses, and communities for organizations.

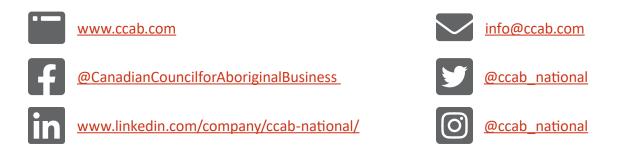


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About the 2019 Intellectual Property survey of Indigenous businesses

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). Indigenous businesses are an important part of the Canadian economy and a significant source of innovation and job growth. According to the 2016 Census, there are nearly 63,000 self-employed First Nations peoples, Inuit and Métis across Canada, a population that continues to grow at a greater pace than the overall self-employed population in Canada.

In partnership with the Ministry 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 goal of this study is to understand what Indigenous businesses know about IP and how they are currently using IP and IP resources within their business, as well as the impact of IP on their businesses currently protect TK and CEs. It supplements the Statistics Canada Survey of Intellectual Property Awareness and Use (IPAU) conducted among Canadian business owners.

The findings of this research will be used to help governments and Indigenous entrepreneurs themselves better understand the opportunities and challenges associated with IP for Indigenous businesses. The feedback from this survey will help increase understanding of current use and knowledge of the IP system which may inform ways to improve IP awareness and use among Indigenous businesses.

Research highlights

- The number of Indigenous entrepreneurs continues to grow at a rate that far exceeds that for self-employed Canadians overall. Indigenous businesses tend to be small, but are diverse in terms of Indigenous identity, industry sectors and client base.
 - The population of self-employed Indigenous peoples continues to grow (44% between 2011 and 2016), a substantial increase from the previous census period (16% between 2001 and 2006) and much higher than the growth rate of self-employed Canadians overall (14% between 2006 and 2011).



- Half of Indigenous businesses have no employees and most of the remainder (48%) have fewer than 100 employees; three percent are considered medium to large businesses with 100 or more employees. In terms of revenue size, the large majority (87%) are considered small and medium-sized enterprises (i.e., earned \$5 million or less in 2018).
- According to the 2016 Census, Métis comprise the largest proportion (53%) of the self-employed Indigenous population, followed by the First Nations (42%), and Inuit populations (2%). Indigenous businesses are built across a wide range of industry sectors, largely consistent with Canadian businesses as a whole, with the exception that Indigenous entrepreneurs are underrepresented in professional services and overrepresented in the construction sector.

Indigenous businesses supply goods and services to a diverse client base with a focus on local markets and within their own province/territory. Nonetheless, half have clients in other provinces or territories, and a smaller proportion operates internationally in the US (25%) or in other countries (19%).



There is broad awareness of IP among Indigenous business owners, and one in five own IP in Canada. The results suggest an opportunity to build greater understanding of IP, such as the value of IP, the filing process and a strategy to protect IP, through education and communication.

- Almost nine in ten (87%) Indigenous business owners say they are familiar with at least one of the six types of IP discussed in the survey. Reported familiarity is highest for copyright (76%) and trademarks (75%).
- A minority of Indigenous business owners (20%) have sought information about IP in the past few years, with most of this group who say they ultimately found what they needed. 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.
- Among Indigenous business owners who recently sought IP information, the most widely sought-after topic is how to file for IP protection. The most widely used source of IP information is external law firms (32%), while seven percent consulted Canadian Intellectual Property Office (CIPO) resources.
- One in five Indigenous business owners currently own IP in Canada, the most common types being copyrights and trademarks. Three percent own IP outside Canada. Half of IP owners have a formal strategy in place to protect their IP.



- There is widespread agreement that IP has positively contributed to their business performance in various ways, including improved longterm business outlook (80% of those own IP), increased business value (76%), higher revenues (72%) and opportunities for collaboration and partnerships (70%). Similarly, relatively few say their business performance has been impeded, including by taking away resources from other more important activities (19% of those who own IP) or the added financial cost of maintaining and monitoring IP (12%).
- One in ten Indigenous business owners report having IP licensing agreements in place. Six percent have experience filing for or registering IP protection. One in ten Indigenous businesses report having IP they choose not to formally protect, citing a lack of perceived benefit from protecting IP and the cost of filing.
- Awareness and use of IP are consistently higher among certain subgroups of the Indigenous business population, including businesses with clients outside Canada and firms that have spent on research and development (R&D) or recently introduced innovations in the form of new products or services or new processes.

Traditional knowledge (TK) and cultural expressions (CEs) are widely used by Indigenous businesses. There is opportunity for further understanding among these businesses of how IP can help protect TK and CEs, with only a minority currently using some form of IP for this purpose.

- Six in ten Indigenous businesses say they use either TK or CEs in their businesses. The most widely used types are arts & crafts and oral storytelling. Use of both TK and CEs skews higher among women-owned businesses.
- One in five Indigenous businesses that use TK or CEs have IP protection for it. More than one-quarter (28%) use other non-IP protections such as following community/customary rules for how it is used, documentation, databases and registries and public education and awareness.
- Seven percent of TK and CEs users say they have had unauthorized use of their TK and CEs. Financial loss and loss of cultural meaning are identified as the most common impacts caused by unauthorized use.



Brief 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. Survey results based on a representative sample of 1,100 are considered accurate to within plus or minus 3.0 percentage points, 19 times in 20. The margin of error is greater for results pertaining to subgroups of the total sample (e.g., business size or type).

Sample was sourced from an extensive list of Indigenous-owned businesses developed and maintained by CCAB. The data are statistically weighted by Indigenous identity group, business structure (incorporated and unincorporated), size (with or without employees), and region to ensure the final sample is representative of the Indigenous self-employed population according to the most recent Canadian census data (2016).

The research is a collaboration between CCAB and Environics Research, one of Canada's leading public opinion research firms.

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

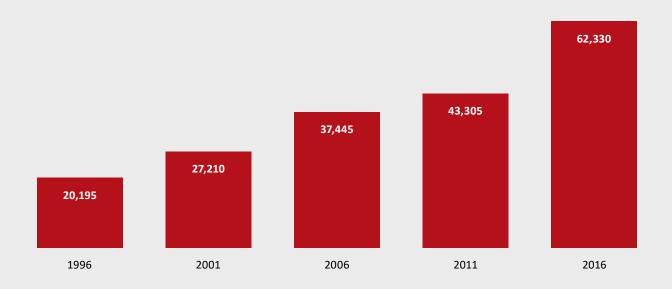


I. Indigenous entrepreneurs in Canada

Self-employment among Indigenous entrepreneurs

The population of self-employed Indigenous peoples continues to grow at a greater pace than that of self-employed Canadians overall.

The most recent Canadian Census data (2016) reveal that the number of Indigenous entrepreneurs in Canada continues to grow. In 2016, 62,330 Indigenous people of the experienced labour force 15 years and over reported that they were self-employed. This is up from 43,305 in 2011 and represents an increase of 44%. The growth in self-employment among Indigenous peoples has accelerated sharply compared to the previous census period (16% between 2006-2011), which was likely suppressed by the 2008-09 economic recession, and closer to earlier census periods (38% between 2001-2006 and 35% between 1996-2001). The growth rate for self-employed Indigenous peoples also remains higher than that of self-employed Canadians overall (17%) between 2011 to 2016.

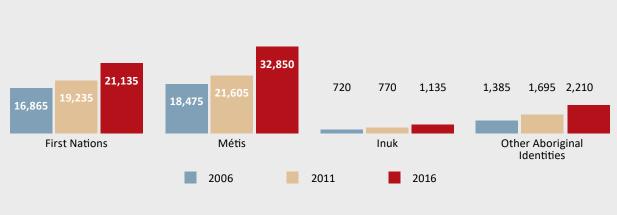


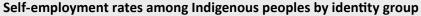
Self-employment rates among Indigenous peoples

Source: Statistics Canada 2016, 2006, 2001 and 1996 Censuses and 2011 National Household Survey



According to the 2016 Census, Métis comprise the largest proportion of the selfemployed Indigenous population (53%), followed by First Nations (42%), while two percent of self-employed Indigenous people identify as Inuit. The remaining four percent represent multiple or "other Aboriginal identities" responses. Between 2011 to 2016, Métis had the greatest growth in self-employment (up 52%), followed by Inuit (up 47%) and First Nations (up 36%).





Source: Statistics Canada 2016 and 2006 Censuses and 2011 National Household Survey

Proportion of the Indigenous population. In 2016, self-employed Indigenous people represented seven percent of the Indigenous labour force, age 15 or over. This is substantially less than the 12 percent of the general Canadian labour force population who identify as self-employed.

The proportion of self-employed Indigenous people within the Indigenous labour force has remained steady over time (6% declared self-employment in 2011 and 7% in 2006). While this seems contrary to the growth rate described in the previous section, it is because the Indigenous population is younger and growing at a quicker pace than the rest of the Canadian population. Between 2011 to 2016, the Indigenous labour force, aged 15 and over, grew by 22 percent, compared to four percent growth in the Canadian labour force. Overall, the number of Indigenous people in the labour force and the number of self-employed Indigenous people have both grown substantially. As a result, the number of self-employed Indigenous people as a percentage of the Indigenous labour force remains flat and substantially lower when compared to the non-Indigenous selfemployed population.



Regional distribution

The majority of Indigenous entrepreneurs reside in Ontario, British Columbia and Alberta, and tend to be overrepresented in the latter two provinces compared to the overall Indigenous population.

Consistent with 2011, the 2016 Census found that self-employed Indigenous people are mostly concentrated in Ontario (23%), British Columbia (20%) and Alberta (17%). When compared to the total Indigenous population, self-employed Indigenous people remain overrepresented in British Columbia and Alberta and underrepresented in Manitoba and Saskatchewan.

Region	Indigenous self-employed population (15+)		Total Indigenous population (15+)	
	Number	%	Number	%
Atlantic provinces	4395	7	100,835	8
Quebec	8,895	14	142,870	12
Ontario	14,430	23	284,845	23
Manitoba	5,625	9	153,545	13
Saskatchewan	4,400	7	117,325	10
Alberta	10,705	17	183,450	15
British Columbia	12,760	20	200,650	16
Territories	1,195	2	41,390	3
Canada	62,330	100	1,224,915	100

Self-employment rates among Indigenous peoples by region

Source: Statistics Canada 2016 Census



Industry sector

Indigenous businesses are built across a diverse range of industries in Canada. The distribution of self-employment among Indigenous people and Canadians as a whole is similar across most industries, although Indigenous entrepreneurs are underrepresented in professional services and overrepresented in construction.

Indigenous business entrepreneurs continue to build their businesses across a wide range of industry sectors in Canada. Despite a noticeable difference in the size of the overall self-employed population, the distribution of self-employment among Indigenous and non-Indigenous people is similar across the primary, manufacturing, wholesale and retail trade, and arts and entertainment sectors.

There is, however, a marked gap between the proportion of Indigenous (36%) and non-Indigenous (43%) entrepreneurs in the professional, scientific, and technical, education, health & social service sector. Indigenous entrepreneurs also remain slightly overrepresented in construction (18%, vs. 14% for all entrepreneurs in Canada).

Industry	Indigenous entrepreneurs				eneurs
	Number	%	Number	%	
Primary & utilities	6,725	11	225,545	9	
Construction	11,315	18	335,270	14	
Manufacturing, transportation, warehousing	4,805	8	208,615	9	
Wholesale, retail trade	5,755	9	238,415	10	
Professional, scientific and technical services, education, health & social	22,265	36	1,058,545	43	
Arts, entertainment, accommodation, food & cultural	4,925	8	179,165	7	
Other	6,555	11	202,860	8	
Total – Self-employed population	62,330	100	2,448,400	100	

Self-employment rates by industry sector

Source: Statistics Canada 2016 Census



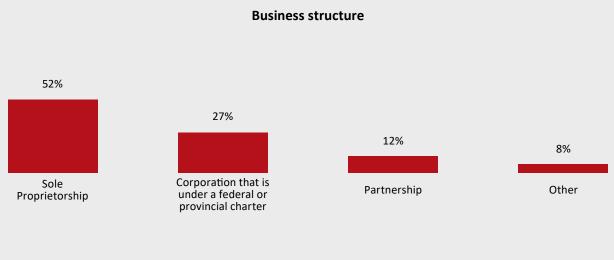
II. Indigenous business profile

Business structure and location

Sole proprietorship is the most common business model among Indigenous businesses; a minority of businesses are incorporated.

Business structure

One in four (27%) Indigenous businesses are incorporated under a federal or provincial charter, on par with the 2016 Census data. Most are unincorporated (64%), operating as either a sole proprietorship (52%) or a partnership (12%); the remaining eight percent use another business structure.



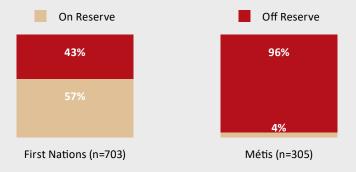
Q1. Is this business a....? Base: All respondents (n=1,100)

Location

Close to six in ten (57%) of First Nations businesses are located on-reserve (compared to 43% off-reserve); this is also the case for four percent of Métis businesses (Inuit businesses were not asked this question).



Business location Subsample: First Nations or Métis business only

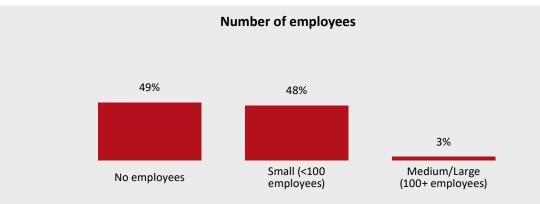


Q10. Is this business located on a First Nations reserve or not? Base: First Nation and Métis businesses (n=990)

Business size

Indigenous businesses tend to be small: half have no employees and most of the remainder have fewer than 100 employees. Three percent are considered medium or large businesses.

Half (51%) of Indigenous businesses in this sample have employees, most of which have fewer than 100 employees. Three percent of businesses in this survey can be categorized as medium or large (i.e., 100 or more employees).



Q5: Do you have any employees other than yourself? Base: All respondents (n=1,100) Q11. Excluding yourself, how many employees does your business currently have who are...? Base: Those who have employees (n=559)

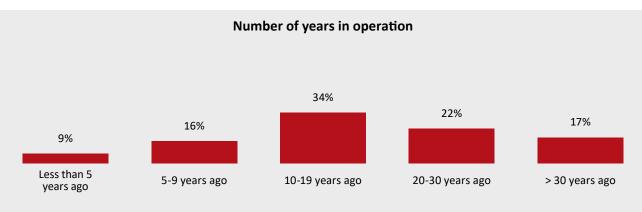


Employment type. Indigenous businesses with employees (51% of the total sample) are most likely to hire full-time, permanent workers (86%). These businesses, however, are also a source of part-time and casual work. Seven in ten (68%) businesses with employees currently have permanent part-time and seasonal employees and four in ten (39%) have casual or temporary employees.

Length of time in operation

Seven in ten Indigenous businesses have been in operation for ten years or more.

The Indigenous businesses surveyed tend to be longer-term operations, with more than seven in ten (73%) operating for ten years or more. One in ten (9%) are recent start-ups in operation for less than five years, while 16 percent have been operating for more than five but less than ten years.



Q9. In what year did you start or acquire this business? Base: All respondents (n=1,100)

Subgroup Analysis 1.0

Indigenous businesses in operation for less than ten years are the minority across all business types, but their proportion is higher among:

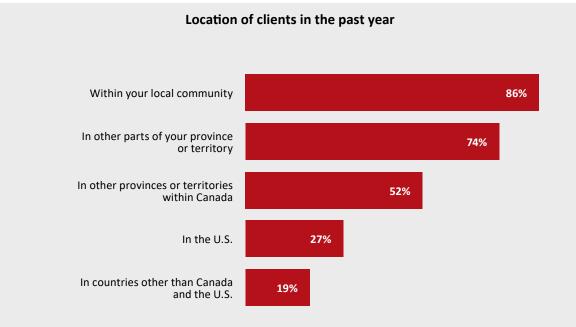
- Women-owned business (33%, vs. 21% of men-owned businesses)
- Small businesses (27% with no employees and 23% with less than 100 employees, vs. 13% with 100 or more employees)
- Businesses with revenues under \$1 million (30%, vs. 15% with revenues of \$1 million or more)



Trade destination

Most Indigenous businesses have a diverse client base with a focus on supplying goods or services to local markets and within their own province/territory.

Indigenous businesses are most likely to serve clients within their local community (86%) or within their home province or territory (74%). A sizable proportion cast their sights further afield: half (52%) of businesses have clients in other provinces or territories, one-quarter (27%) in the U.S. and one in five (19%) in countries other than Canada and the U.S.



Q41. In the past year, in which of the following places did your business have clients... Base: All respondents (n=1,100)

Subgroup Analysis 2.0

The location of clients is largely consistent regardless of Indigenous business type, with the exception that businesses in the service and secondary sectors are more likely than those in the natural resource and construction sectors to have clients in other provinces/territories of Canada or in other countries.

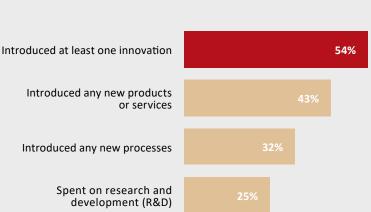


Innovation

Half of Indigenous businesses have introduced innovations or spent on research and development (R&D) in the past year. Similarly, half have introduced or plan to introduce new technologies into their business.

Introducing innovation

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.



Introduced innovation in the past three years

Q38. I would now like to ask you about innovation within your business. In the past three years, did your business...? Base: All respondents (n=1,100)

Subgroup Analysis 3.0

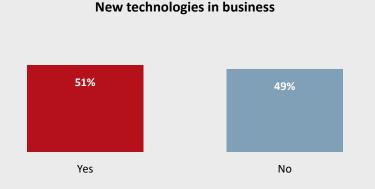
The proportion of Indigenous businesses that have introduced at least one innovation in the past three years is higher among younger businesses (65% in operation for less than ten years, vs. 50% for ten years or more).

In terms of specific innovations, new processes are more widely reported by medium-to-large businesses (61% with 100 employees or more, vs. 37% with fewer than 100 employees and 26% with no employees).



Introducing new technologies

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



Q39. Have you recently introduced or are you currently looking at introducing new technologies into your business? Base: All respondents (n=1,100)

Subgroup Analysis 4.0

The proportion introducing new technologies into their business is higher among:

- businesses with employees (44% vs. 32% without employees)
- younger businesses (48% under ten years old vs. 34% ten years or older)

Indigenous businesses that introduced or are looking to introduce new technology were asked what technical skills or knowledge are most needed to help them apply these new technologies in the future. A wide variety of skills are mentioned, most commonly computer programming and coding (25%). Other skills these 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%).



Skills or knowledge businesses need most to help them apply new technologies Among those who recently introduced or plan to introduce new technologies (51% of total sample)

Skills or knowledge needed	%
Computer programming/coding	25%
Training to improve computer skills/general knowledge	19%
Other skills and knowledge not related to new technologies	17%
Marketing/digital marketing	15%
IT networking and support	14%
Data analysis/data management	11%
Social media	8%
Software engineering/development	7%
Web design/development	5%
Hardware/equipment	5%
Financial knowledge/access to funding	4%
Mobile app development	3%
Artificial intelligence	2%
Business administration/project management	2%
Cloud computing	2%
Other	6%
Don't know	9%

Q40: What technical skills or knowledge will your company need most in the future to help you use these new technologies in your business? Base: businesses that introduced/looking to introduce new technology (n=475)

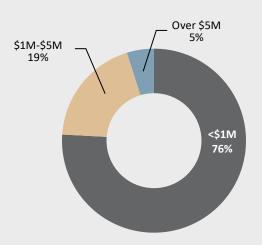
Revenues

The large majority of Indigenous businesses are SMEs with revenues of \$5 million or less. Nearly four in ten report revenue growth over the past year.

Indigenous businesses are largely small and medium-sized enterprises (SMEs) as defined by revenue size. Almost all (95%) earned \$5 million or less in 2018, including three quarters (76%) that earned less than \$1 million. By comparison, five percent (5%) reported revenues of over \$5 million.



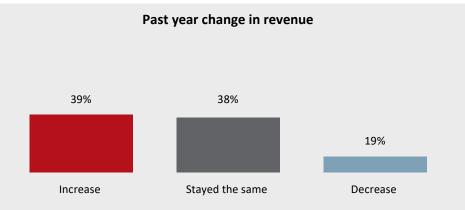
Business revenue for 2018



Q45: What are your business' gross sales revenues for 2018? Base: Those who provided a valid answer, excluding responses of "don't know/no answer" (n=680)

Indigenous business owners report mixed results in terms of the change in gross sales revenues between 2018 and 2019. Nearly four in ten (39%) say their revenue increased, similar to the proportion (38%) who reported their revenues stayed the same, while the remaining two in ten (19%) report declining revenues.

Among those who say their revenues increased over the past year, a majority (56%) report a revenue increase of more than 20 percent, while another four in ten (40%) say their revenue increased 20 percent or less.



Q42: In the past year, did your business's gross sales revenues...? Base: All respondents (n=1,100)



Subgroup Analysis 5.0

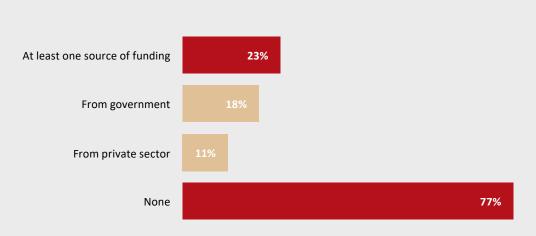
Past year revenue growth is more widely reported by:

- younger businesses (54% in operation for less than ten years vs. 34% ten years or older)
- businesses that introduced innovation in the past three years (51%, vs. 27% that did not)

Funding

Nearly one-quarter of Indigenous businesses received some type of funding for their business in the past three years, including one in ten that received private sector funding to support the commercialization of goods or services.

Almost one-quarter (23%) of Indigenous business owners have received funding for their business in the past three years. Government funding (18%) is more typical than private sector funding to support the commercialization of new or improved goods or services (11%); five percent report that they accessed both government and private sector funding.



Received funding in the past three years

Q44. In the past three years, did this business receive funding from any of the following... Base: All respondents (n=1,100)



Subgroup Analysis 6.0

Government funding is more widely reported by:

- firms with employees (22%), especially medium-to-large enterprises with 100 employees or more (40%) (vs. 13% among firms with no employees)
- those in the service (22%) or natural resource (20%) sectors (vs. 12% in the secondary and 3% in the construction sectors)

Likelihood of receiving private sector funding does not vary significantly by business type.



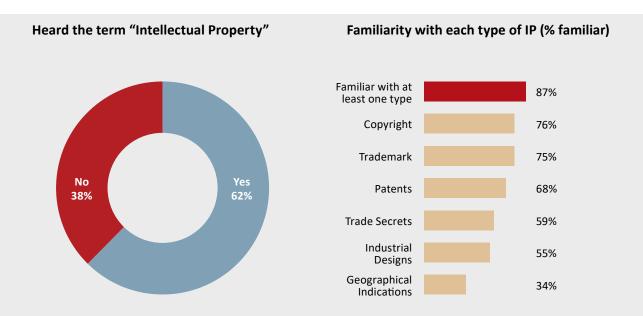
III. Intellectual Property familiarity and use

Familiarity with Intellectual Property

There is widespread familiarity with the six types of IP covered in the survey, and more so than for the general term "Intellectual Property".

Six in ten (62%) Indigenous business entrepreneurs have heard of the term "Intellectual Property".

There is better recognition of the specific IP types¹ than of the general term: more than eight in ten (87%) are familiar with at least one of the six types of IP probed in the survey. 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%). Familiarity is comparatively lower for geographical indications (34%).



Q12: Have you ever heard of the term 'Intellectual Property'? Base: All respondents (n=1,100) Q13. Which of the following types of Intellectual Property are you familiar with? Base: All respondents (n=1,100)

¹To learn more about the main types of IP rights, see the Intellectual Property: It's yours. Own it. Fact sheet at <u>https://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/wr04312.html</u>.



Subgroup Analysis 7.0

Familiarity with at least one type of IP is higher among:

- Medium to large businesses with 100 or more employees (96%, vs. 86% with fewer than 100 employees and 87% with no employees)
- Firms that have recently introduced innovations (94%, vs. 80% that did not)
- Firms that invested in R&D (98%, vs. 83% that did not)

Familiarity with patents is higher among Métis (69%) and First Nations (68%) owned businesses than among Inuit-owned businesses (49%). Métis business owners also report relatively greater familiarity with trade secrets (63%) and industrial designs (60%), compared to First Nations (55% and 50%, respectively) and Inuit (49% and 41%, respectively) business owners.

Information sources

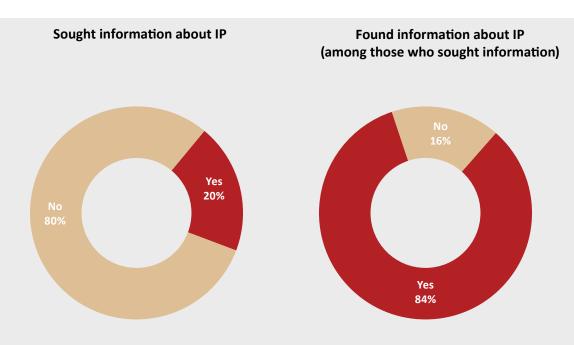
One in five Indigenous business owners have sought information about IP in the past few years, most of whom found what they needed. They are most likely to have been looking for information about how to file for IP protection, and relied primarily on external law firms. Seven percent of those who sought information went to the Canadian Intellectual Property Office (CIPO) directly.

Seeking information about IP

One in five (20%) Indigenous business owners say they sought information, guidance or advice on patents, trademarks or other types of IP in the past few years. Among those who sought such information, most (84%) say they found what they needed.

Impact of seeking IP information on IP familiarity. Business owners who accessed IP information are more familiar with all six types of IP than are those who did not seek out this information. However, causation cannot be determined from this research. It may be that exposure to the IP information leads to greater familiarity, or that greater initial familiarity with IP leads to these businesses seeking out (more) IP information.





Q14. In the past few years, did you seek any information, guidance or advice on patents, trademarks, or other types of Intellectual Property? Base: All respondents (n=1,100) Q17. Did you find or get the information, guidance or advice you needed related to patents, trademarks or other

Q17. Dia you find or get the information, guidance or advice you needed related to patents, trademarks or oth Intellectual Property types? Base: Those who sought information about IP (n=215)

Subgroup Analysis 8.0

Propensity to seek IP information is higher among:

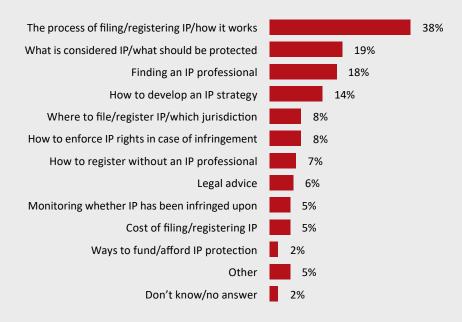
- Medium-to-large enterprises with 100 or more employees (37%, vs. 19% with fewer than 100 employees and 19% without employees)
- firms that spent on R&D (40%, vs. 13% that did not)
- firms that recently introduced innovations (29%, vs. 11% that did not)
- businesses with clients outside Canada (30%, vs. 16% with clients only within Canada).

Types of IP information sought

Indigenous business owners who looked for IP information (20% of the total sample) were asked what type of information they sought (unprompted, without providing response options). The most widely sought information was about the process of registering IP (38%). Other comparatively popular topics are determining what is considered IP (19%), how to find an IP professional (18%) and developing an IP strategy (14%). Subsample sizes are too small to analyze differences by subgroup.



Type of IP information sought Among those who sought information (20% of total sample)



Q15. What type of information, guidance or advice did you seek out? Base: Those who sought information about IP (n=215)

Sources of IP information



Sources of IP information Among those who sought information (20% of total sample)

Q16. From which sources did you seek this information, guidance or advice? Base: Those who sought information about IP (n=215)



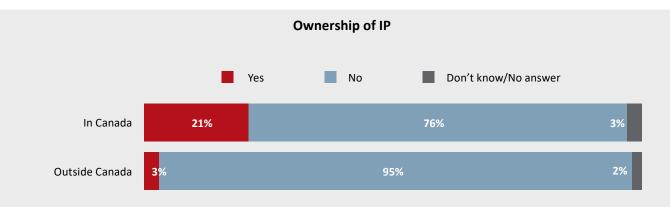
Among Indigenous business owners who sought IP information (20% of total sample), external law firms or lawyers (32%) are reported as the most widely used sources of IP information, followed by peers/other business owners (21%), other government sources (20%) or online resources (16%). Seven percent consulted CIPO directly while two percent consulted Intellectual Property offices (IPOs) in other jurisdictions. Subsample sizes are too small to analyze differences by subgroup.

Use of Intellectual Property

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

IP Use

Two in ten (21%) Indigenous businesses own IP in Canada. Three percent own IP outside Canada, all of whom also own IP in Canada.



Q18. Does this business currently own any type of Intellectual Property...? Base: All respondents (n=1,100)

Subgroup Analysis 9.0

Ownership of IP in Canada is more widespread among:

- businesses in the service sector (28%, vs. 13-14% in other sectors)
- businesses that spent on R&D (40%, vs. 15% that did not)
- businesses that recently introduced innovations (32%, vs. 11% that did not)
- businesses with clients outside Canada (28%, vs. 18% with clients only within Canada)



Impact of IP ownership on likelihood to have accessed IP information. Indigenous businesses that own IP in Canada are more likely to have accessed IP information in the past few years (50%, vs. 11% of those that do not own IP).

Type of IP owned. In Canada, copyrights (10%) and trademarks (9%) are the most widely used types of IP by the Indigenous business population (asked unprompted, without providing response options). Much smaller proportions use patents (3%), industrial designs (2%) or other types of IP.

Type of IP owned

IP Туре	In Canada %	Outside Canada %
Yes, own IP	21%	3%
Copyrights	10%	1%
Trademarks	9%	1%
Patents	3%	1%
Industrial designs	2%	<1%
Trade secrets	1%	<1%
Integrated circuit topographies	1%	<1%
Geographical indications	1%	<1%
Don't know/no answer	1%	<1%
No, don't own IP	76%	95%
Don't know/no answer	3%	2%

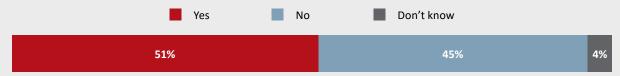
Q19. Which types of Intellectual Property does this business own in Canada? Base: All respondents (n=1,100) Q20. Which types of Intellectual Property does this business own outside of Canada? Base: All respondents (n=1,100)

Formal IP protection strategy

Among businesses that own IP inside or outside of Canada (21% of the total sample), half (51%) have established a formal strategy to protect their IP, either separate from or as part of an overall business plan.



Have a formal strategy to protect your IP Among businesses that own IP inside or outside Canada (21% of total sample)



Q23. Does this business have a formal strategy to protect its patents, trademarks or other types of Intellectual Property, either separate from or as part of an overall business plan? Base: Businesses that own IP inside or outside of Canada (n=253)

Subgroup Analysis 10.0

Having a formal IP protection strategy is more widespread among:

- Métis businesses (62%, vs. 40% of First Nations businesses; the base size of Inuit business (n=24) who own IP is too small to report)
- Firms that invested in R&D in the past three years (62%, vs. 41% that did not).

Impact of IP on business performance

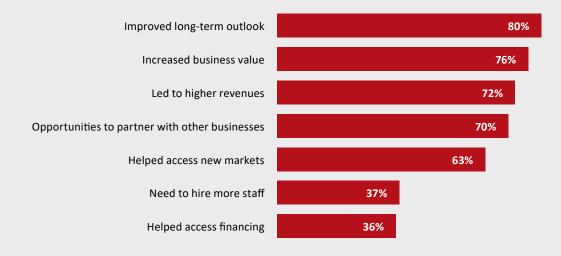
Most Indigenous entrepreneurs who own IP agree it has contributed to their business performance in various ways, including improved long-term business outlook, increased business value, higher revenue and opportunities for partnership and collaboration. Relatively few say their business performance has been impeded, such as by taking away resources from other more important activities or the added financial cost of maintaining and monitoring IP.

Contribution of IP to business performance

Indigenous business owners who own IP inside or outside Canada (21% of the total sample) were asked whether their IP has contributed to business performance in seven specific ways. Most IP owners agree it contributed to their long-term business outlook (80%), increased their business value (76%), led to higher revenues (72%) and provided opportunities to collaborate or partner with other businesses (70%). Over six in ten (63%) also believe IP has helped them access new markets. Fewer say their IP meant they needed to hire more staff (37%) or helped them access financing (36%). The perceived positive impacts do not vary significantly by business type or type of IP used.



IP contributed to business performance Among businesses that own IP inside or outside Canada (21% of total sample)



Q21. Has this Intellectual Property contributed to this business's performance in any of the following ways? Base: Businesses that own IP inside or outside Canada (n=253)

Negative impact of IP on business performance

Indigenous business owners who own IP inside or outside Canada (21% of the total sample) were also asked about the negative impact of IP on business performance, probing five specific possibilities. Nearly two in ten (19%) say IP took resources away from other more important activities. One in ten say it hurt their business due to the financial cost of maintaining and monitoring IP (12%) or delayed market entry of new products (11%). A few say their IP caused expensive or time-consuming legal disputes (8%) or did not prevent IP from being infringed (6%).



Q22. Has this Intellectual Property hindered or hurt this business's performance in any of the following ways? Base: Businesses that own IP inside or outside Canada (n=253)



Subgroup Analysis 11.0

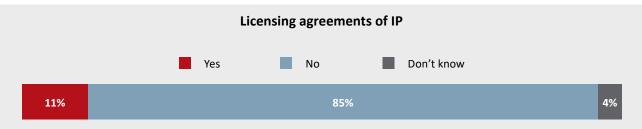
Perceptions of the negative impact of IP on their business performance varies as follows:

- The financial cost of maintaining and monitoring IP is considerably more likely to be considered a hindrance by those that use patents (34%) compared to users of copyright (9%) or trademarks (8%). Otherwise, there are no significant variations by type of IP owned.
- The view that the financial cost of IP hurt their business performance is more common among businesses with IP in the natural resource sector (34%).
- The perception that IP took resources away from other important activities is more widespread among businesses with clients outside Canada (27%, vs. 10% with clients only in Canada).
- Delayed market entry of new products is more likely to be considered a hindrance to Métis businesses with IP (18%, vs. 3% First Nations).

Intellectual Property licensing

One in ten Indigenous businesses report having IP licensing agreements in place, most commonly copyrights and trademarks.

One in ten (11%) Indigenous business owners report having an IP licensing agreement in place.



Q24. Does this business have any Intellectual Property licensing agreement in place? (If asked) This refers to your business licensing Intellectual Property from others or to others. Base: All respondents (n=1,100)

Subgroup Analysis 12.0

Licensing agreements are more common among:

- businesses with clients outside Canada (16%, vs. 8% with clients only within Canada)
- firms that spent on R&D (23%, vs. 7% that did not)
- firms that recently introduced innovations (16%, vs. 6% that did not)



Types of IP rights licensed

Businesses with an IP licensing agreement (11% of the total sample) were asked what types of IP rights they license (unprompted, without providing response options). Respondents not only mentioned types of IP (e.g., copyrights, trademarks) but also ways of licensing IP (e.g., licenses and contracts) and the subject of the IP (e.g., web design, written content). This mix of interpretations suggests the question wording was unclear, but may also reflect the complexity of the subject matter and associated terminology for laypeople – which has implications for communicating and educating about IP.

Types of IP rights licensed Among businesses that have IP licensing agreement (11% of total sample)

> Copyrights 24% Trademarks 21% Licenses/contracts 18% Code/software/web design 13% Written content 10% Types of IP Patents 8% Other Industrial designs 6% Logo design/artwork 5% Trade secrets 3% Geographical indications 3% Plant breeders' rights 3% Other 5% Don't know/no answer 7%

Subsample sizes are too small to analyze differences by subgroup.

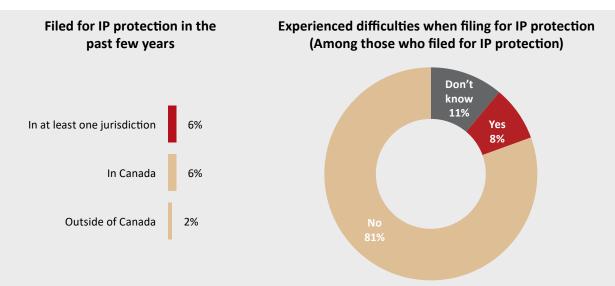
Q25. Which types of Intellectual Property rights did this business license? IF ASKED: Please include the licensing of Intellectual Property from others and to others. Base: Business that have IP licensing agreements (n=126)

Experience filing for IP protection

Very few Indigenous businesses filed for or registered IP protection in the past few years: six percent did so in Canada and two percent outside Canada.

Among this small group who filed for IP protection, eight percent indicate they experienced challenges when filing for or registering IP protection. (The subsample size of those experiencing challenges, n=5, is too small to report the nature of the challenges encountered).





Q26. In the past few years, did you file for or register any type of Intellectual Property protection...? Base: All respondents (n=1,100) Q27. Did you experience any difficulties when filing for or registering Intellectual Property protection in Canada? Base: Businesses that filed/registered IP protection recently (n=57)

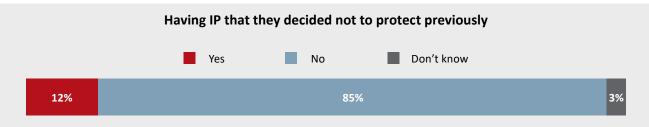
Subgroup Analysis 13.0

The proportion of Indigenous businesses that filed for IP protection is higher among:

- women-owned businesses (10%, vs. 4% of men-owned businesses)
- the newest businesses (14% operating for less than five years, vs. 5% operating for five years or more)
- businesses with clients outside Canada (11%, vs. 4% with clients only within Canada)
- businesses that spent on R&D in the past three years (12%, vs. 4% that did not)

Decision not to formally protect IP

One in ten Indigenous businesses report having IP they decided not to formally protect. The main reasons are a lack of perceived benefit from protecting IP and the cost of filing.



Q29. In the past few years, did the business have any Intellectual Property that you decided not to formally protect? Base: All respondents (n=1,100)



One in ten (12%) Indigenous business owners report having decided against formally protecting their IP.

Subgroup Analysis 14.0

The decision not to formally protect IP is higher among:

- businesses with clients outside Canada (18%, vs. 10% with clients only within Canada)
- firms that invested in R&D in the past three years (27%, vs. 7% that did not)
- firms that introduced innovations in the past three years (19%, vs. 6% that did not)
- businesses that report owning IP (25%, vs. 9% that do not own IP)

Main reasons for against formally protecting this IP

Indigenous business owners who decided not to formally protect their IP (12% of total sample) were asked the reasons why not (unprompted, without providing response options). The most cited reasons are related to the perceived benefits and cost to protecting the IP: one third (33%) do not see any benefits and two in ten (22%) think it is too expensive to file and register. Smaller proportions attribute their decision to other barriers, including a process that is complex/difficult to navigate (16%), and limited knowledge about how to apply (11%). Some also say IP protection is unnecessary because their IP is meant to be shared (12%). Subsample sizes are too small to analyze differences by subgroup.



Main reasons for not formally protecting this IP

Q30. What are the main reasons why you decided not to formally protect this Intellectual Property? Base: Businesses that decided not to formally protect this IP in recent years (n=136)

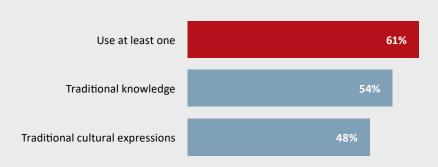


IV. Use and protection of Traditional Knowledge (TK) and Cultural Expressions (CEs)

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 such activities as 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.

There are also no universally accepted definitions of TK and CEs, though many definitions share common features, including handing down practical knowledge from one generation to the next to adapt and survive, often in the oral tradition. There are other related views defining TK and CEs such as the relationship to the land, the value of family, culture and community, long-term sustainability, and a holistic picture of interdependence. Survey respondents were provided with the working definition of TK and CEs promoted by the World Intellectual Property Office (see question wording provided under the graphic below).²

Use of Traditional Knowledge or Cultural Expressions



Use of Traditional Knowledge or Cultural Expressions

Q31. Do you use traditional knowledge in your business? Traditional knowledge is the knowledge, know-how, skills and practices that are developed, sustained and passed on by Indigenous peoples from generation to generation. Base: All respondents (n=1,100)

Q32. Do you use or develop traditional cultural expressions in your business? This refers to ways in which traditional knowledge and culture are expressed, such as through oral stories, artwork, handicrafts, dances, fabric, songs or ceremonies. Base: All respondents (n=1,100) A majority of Indigenous businesses report using either TK or CEs. The most widely used types are arts & crafts and oral storytelling.



Six in ten Indigenous business owners say they use traditional knowledge (TK) (54%) and/or traditional cultural expressions (CEs) (48%) in their business.

Subgroup Analysis 15.0

Reported use of TK is higher among:

- Medium-to-large firms with over 100 employees (78%, vs. 53% with fewer than 100 employees and 54% with no employees)
- Firms in the service (60%) or natural resource (58%) industries (vs. 47% in secondary and 36% in construction)
- Women-owned businesses (66%, vs. 48% among men-owned businesses)
- Businesses with clients outside Canada (67%, vs. 49% with clients only within Canada)
- Firms that have recently introduced innovations (62%, vs. 46% that have not)
- Firms that have invested in R&D (70%, vs. 49% that have not)
- Inuit (78%) and First Nations (61%) businesses (vs. 50% of Métis businesses)

Reported use of CEs is higher among:

- Firms in the service industry (57%, vs. 45% in natural resources, 41% in secondary and 28% in construction)
- Women-owned businesses (59%, vs. 43% among men-owned businesses)
- Businesses with clients outside Canada (66%, vs. 40% with clients only within Canada)
- Firms that have recently introduced innovations (59%, vs. 39% that have not)
- Firms that have invested in R&D (62%, vs. 44% that have not)
- Inuit (73%) and First Nations (58%) businesses (vs. 41% of Métis businesses)

Impact of TK/CE use on IP familiarity & use. 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), but familiarity with other types of IP is similar between the two groups.

Use of TK or CEs appears to be a bigger driver of IP use than of IP familiarity. The likelihood of owning any IP is more than twice as high among Indigenous businesses that use TK or CEs (27%) than among those that do not (11%).

² For a more in-depth discussion on the topic of TK and CEs, please see Assembly of First Nations (<u>http://www.afn.ca/uploads/files/env/ns_traditional_knowledge.pdf</u>), Alaska Native Knowledge Network (<u>http://www.ankn.uaf.edu/</u>), Atlantic Policy Congress of First Nations Chiefs (<u>http://www.apcfnc.ca/wp-content/uploads/2020/06/FinalReport-HonouringTraditionalKnowledge_1.pdf</u>), UNESCO (<u>http://uis.unesco.org/en/glossary-term/traditional-knowledge</u>), and WIPO (<u>https://www.wipo.int/tk/en/tk/</u>)



Types of TK and CEs

Among Indigenous businesses that use TK or CEs in their business (61% of total sample), the most widely used types are arts & crafts (27%) and oral storytelling (24%). Other reported forms of TK and CEs include written literature (18%) and traditional knowledge such as history, language, and consultation with Elders (16%).

Forms of TK or CEs they use or develop Among those who use them in their business (61% of total sample)

Forms of TK or CEs	Use TK or CEs %
Arts and crafts	27%
Oral storytelling	24%
Written literature, e.g., writing, publishing, editing, etc.	18%
Traditional knowledge, e.g., history, language, consultation with Elders, etc.	16%
Live performances, e.g., dances, plays, concerts, etc.	15%
Symbols or marks, e.g., crests, emblems	14%
Knowledge related to biodiversity, land, climate, etc.	14%
Clothing, jewelery, footwear, fabric, or other wearable accessories	10%
Techniques or tools for farming, hunting, fishing, building, transportation etc.	10%
Medicinal and health products or techniques	8%
Communication methods, e.g., cultural sensitivity, training, etc.	8%
Food and beverage products	7%
Sound recordings	6%
Non-medicinal products or techniques e.g., body art, etc.	6%
Ceremonies, e.g., religious ceremonies, prayers, etc.	5%
Other	6%
Don't know	10%

Q33. What forms of traditional knowledge and/or traditional cultural expressions does your business use or develop? Base: Businesses that use/develop traditional knowledge or cultural expressions (n=715)



Subgroup Analysis 16.0

Women-owned businesses that use TK or CEs are more likely than their maleowned counterparts to report using written literature (24% vs. 13%), clothing/ jewelery (17% vs. 6%), and non-medicinal products (10% vs. 3%).

Several types of TK and/or CEs are more common among lnuk businesses, including arts and crafts (58%), medicinal/health products (21%), non-medicinal products (24%), and food and beverage products (24%).

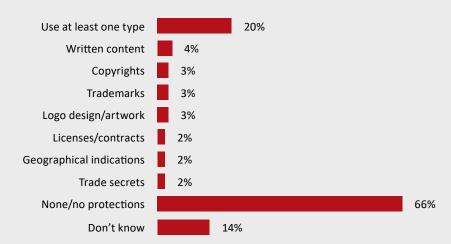
There are no meaningful differences by business size.

Protection of Traditional Knowledge and Cultural Expressions

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

Types of IP used to protect TK and CEs

One in five (20%) Indigenous business owners who use TK or CEs in their business report using at least one form of IP to protect it, such as written content (4%), copyrights (3%),



Types of IP used to protect TK or CEs Among those who use TK/CEs in their business (61% of total sample)

Q34. What types of Intellectual Property does your business use, if any, to protect this traditional knowledge or traditional cultural expressions? Base: Businesses that use/develop traditional knowledge or cultural expressions (n=715)



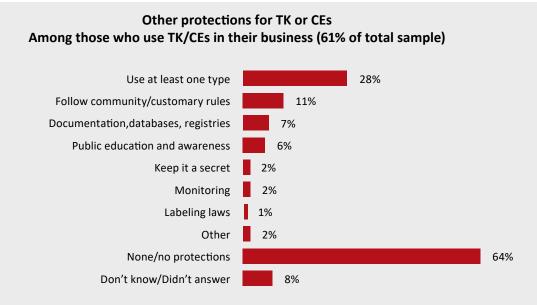
Subgroup Analysis 17.0

Use of at least one form of IP to protect TK or CEs is more common among:

- First Nations-owned businesses (26%, vs. 18% Inuit-owned and 16% Métis-owned)
- Women-owned businesses (26%, vs. 16% of men-owned businesses)
- Businesses with clients outside Canada (26%, vs. 16% with clients only within Canada)
- Firms that have invested in R&D (26%, vs. 18% that have not)

Other protections for TK and CEs

More than one-quarter (28%) of Indigenous business owners who use TK and CEs use other types of proactive protection, such as following community/customary rules for how it is used (11%), documentation, databases and registries (7%) and public education and awareness (6%).



Q35. What other types of proactive protection does your business use, if any, to protect this traditional knowledge or traditional cultural expressions? Base: Businesses that use/develop traditional knowledge or cultural expressions (n=715)

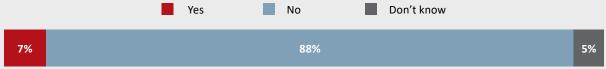
Unauthorized use of Traditional Knowledge and Cultural Expressions

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

Users of TK and CEs (61% of total sample) were asked whether there had ever been unauthorized use or development of their TK or CEs. Fewer than one in ten (7%) report unauthorized use, while most (88%) say this has never occurred.



Unauthorized use of TK or CEs Among those who use TK/CEs in their business (61% of total sample)



Q36. Has anyone ever used or developed this traditional knowledge or traditional cultural expressions for commercial purposes that your company did not authorize? Base: Businesses that use/develop traditional knowledge or cultural expressions (n=715)

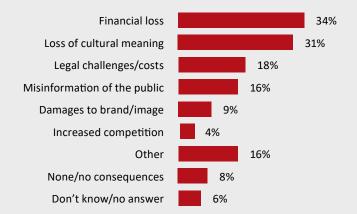
Subgroup Analysis 18.0

The unauthorized use of TK and CEs is more widely reported by:

- businesses in the service (9%) and secondary (9%) sectors (vs. less than 1% each in the natural resource and construction sectors)
- women-owned businesses (12%, vs. 4% of men-owned businesses)
- businesses with clients outside Canada (13%, vs. 2% with clients only within Canada)
- firms that recently introduced innovations (9%, vs. 4% that did not)

Although relatively few businesses have had unauthorized use of their TK and CEs, those that have experienced several negative impacts, including financial loss (34%), loss of cultural meaning (31%), legal challenges/costs (18%) and misinformation of the public (16%).

Consequences of unauthorized use of TK or CEs Among those reporting unauthorized use of their TK/CEs (4% of total sample)



Q37. What consequences, if any, did your business experience as a result of the unauthorized use or development of this traditional knowledge or traditional cultural expressions? Base: Businesses that have had traditional IP used without authorization (n=36)



V. Methodology

These results are based on a telephone survey with 1,100 First Nations, Inuit and Métis business owners across Canada, conducted from August 7 and September 10, 2019. The margin of error for a sample of 1,100 is +/- 3.0 percentage points, 19 times in 20. The margin of error is greater for results pertaining to subgroups of the total sample (e.g., business size or type).

Sample design

The primary methodological challenge in conducting this survey was defining and locating a representative sample of Indigenous business owners across Canada. While there are various organizations that maintain databases of Indigenous businesses, there is no single, comprehensive sampling frame available for the Indigenous business population.

The sample for the survey came from two lists provided by CCAB. The first list is a database of Indigenous-owned businesses first developed by CCAB in 2014 and regularly updated; it has been used in previous surveys conducted by Environics for CCAB. A total of 632 surveys were completed using sample from this list. For this research, CCAB provided a second list of Indigenous businesses, generating 468 completed surveys.

To ensure the final sample is as representative as possible of the Indigenous business population, 2016 Census data were used to provide comprehensive and reasonably current statistics of Indigenous businesses and to construct an ideal profile of this population based on Indigenous identity, business type (incorporated and unincorporated) and size (with and without employees), and region. Quotas were established for these characteristics and interviewing was conducted with the goal of "populating" all these cells until quotas were full. Ultimately, however, the final sample under-represents the smallest Indigenous businesses (i.e., unincorporated with no employees). Weighting was applied to bring the sample closer in line with Census data but was limited (maximum weight of 3.0) to avoid data distortion.

Within this sample frame, businesses were screened to ensure they self-identify as Indigenous and own a business.



Questionnaire design

The questionnaire was designed in consultation with the Ministry of Innovation, Science and Economic Development (ISED) to ensure it meets all of the research objectives. Survey questions were drawn from Statistics Canada's Survey of Intellectual Property Awareness and Use (IPAU), as well as previous CCAB surveys. The questionnaire includes both structured questions, to obtain quantifiable information, and open-ended questions, to capture greater depth and unprompted response to certain types of questions.

Prior to the launch of the survey, the questionnaire was pilot tested with "live" respondents. The pilot test (soft launch) consisted of interviews with a small sample of participants, conducted in the same manner as for the full survey. The pre-test assessed the questionnaires design in terms of question wording and sequencing, respondent sensitivity to specific questions and to the survey overall, and to estimate response rates and the survey length. No changes to the questionnaire were required based on feedback from the pilot test.

Data collection

Interviews were conducted by telephone from central facilities in Ottawa using Computer-Assisted Telephone Interviewing (CATI) technology. Field supervisors were present at all times to ensure accurate interviewing and recording of responses. A minimum of 10 percent of each interviewer's work was unobtrusively monitored for quality control.

All interviews were conducted in the respondent's official language of choice. The average length of the interview was 15 minutes. A minimum of five calls were made to each business selected into the sample before classifying it as a "no answer."

The survey was conducted in accordance with the professional standards established by the Canadian Research Insights Council, as well as applicable federal legislation (Personal Information Protection and Electronic Documents Act, or PIPEDA). The survey was registered under the CRIC's Research Registration System, which permits the public to verify a survey call, inform themselves about the industry, and/or register a complaint.



Completion results

The sample for this survey consisted of 1,100 interviews with Indigenous-owned businesses. The effective response rate for the survey is 24 percent.³ This is calculated as the number of responding participants (completed interviews plus those disqualified because of survey requirements and quotas being filled), divided by unresolved numbers (e.g., busy, no answer) plus non-responding households or individuals (e.g., refusals, language barrier, missed callbacks) plus responding participants [R/(U+IS+R)]. The disposition of all contacts is presented in the following table:

Disposition of calls	Number
Total numbers attempted	12,262
Out-of-scope — Invalid	4,405
Unresolved (U)	2,947
No answer/Answering machine	2,947
In-scope — Non-responding	2,257
Language barrier	21
Incapable of completing (ill/deceased)	139
Callback (Respondent not available)	2,097
Total Asked	2,653
Refusal	714
Termination	42
In-scope — Responding units (R)	1,897
Completed interview	1,100
Quota filled	-
Non-qualified	797
Response rate [R/(U + IS + R)]	24%
Incidence	58

³ This response rate calculation is based on a formula accepted by the Government of Canada (Public Works and Government Services).



Respondent profile

The table below presents a profile of the final weighted sample of Indigenous business owners, by both personal and business characteristics.

	%		%
Identity		Type of business	
Métis	53	Sole proprietorship	52
First Nations	50	Corporation	27
Inuit	4	Partnership	12
		Other	8
Gender			
Male	65	Size of business	
Female	34	No employees	51
		Employees	49
Business Age			
Less than 5 years	9	Types of employees	
5-9 years	16	Only one employee	49
10-19 years	34	Permanent full-time employees	44
20-30 years	22	Permanent part-time and seasonal employees	44
More than 30 years old	17	Casual or temporary employees	35
Annual sales revenues		Sector	
Less than \$25,000	10	Service	54
\$25,000 to less than \$100, 000	15	Secondary	21
\$100,000 to less than \$500,000	17	Natural resources	13
\$500,000 to less than \$1 million	5	Construction	12
Over \$1 million	3		
		Business owned by band/community	
		Yes	12
		No	88



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