

FLASH REPORT:

Indigenous Intellectual Property (IP) Roundtable

Lethbridge, Alberta

August 29, 2023



Prepared by: Canadian Council for Aboriginal Business

Background

CCAB and our project partners at Innovate Calgary are collaborating to deliver ISED's ElevateIP program, which is intended to provide resources and guidance for entrepreneurs looking to implement an intellectual property (IP) strategy. Through this, CCAB has been onboarding Indigenous businesses from our membership into the program to assist with their IP needs while also hosting roundtables to explore the nature of those needs and to what extent they are a product of the current IP system. On Tuesday, August 29th, 2023, CCAB hosted a second installation of its Indigenous Intellectual Property Roundtable series, this time focusing on the various methods of protection used by Indigenous entrepreneurs to protect their businesses and creations, as well as more intangible aspects such as the Indigenous or traditional knowledge held by nations, and how this interacts with the IP system. This work builds on previous findings from CCAB's [2019 IP Survey of Indigenous Businesses](#), which included over 1,100 First Nations, Inuit, and Métis-owned businesses and prior topic-adjacent roundtables that helped inform the direction of discussion. With this new IP roundtable iteration, we intended to uncover more clarity around findings from the 2019 survey which indicated that 20% of Indigenous-owned businesses do not hold IP, which is consistent with the rate of other Canadian enterprises (18.2%).¹ However, six in ten Indigenous firms use Traditional Knowledge (TK) or Traditional Cultural Expressions (TCEs), posing a particular challenge for Indigenous entrepreneurs. Of the 60% of Indigenous enterprises that use TK or TCEs, only 20% have formal protections for them.

This roundtable provided a platform for Indigenous entrepreneurs and IP professionals to connect and discuss the value of implementing IP safeguards in their businesses and some of the best strategies to achieve the protection of their creations, and those of their nations/communities. The hope was that this will contribute to creating a more inclusive and accessible IP system that addresses the needs of Indigenous businesses seeking to protect their products and services, while also promoting the recognition of alternative methods of protection rooted in Indigenous traditions.

This roundtable emerged from a need to continue hearing directly from Indigenous entrepreneurs about their perspectives on TK, Traditional Cultural Expressions (TCEs), and IP. In keeping with the Indigenous value of reciprocity, CCAB ensured that support organizations were present as key connectors to funding, business development opportunities, and support services related to IP. Indigenous business owners who attended in-person were compensated for their time, participation, and travel expenses.

We would like to express our gratitude to the project funder and administrators who supported this event throughout.

Participants

There was 31 people in attendance (18 in-person and 13 virtual attendees), including Indigenous business leaders, an IP lawyer, and non-Indigenous organizations offering support.

¹ Government of Canada. (February 18, 2021). Intellectual Property Awareness and Use Survey, 2019. The Daily. Statistics Canada. Accessed October 9, 2022. <https://www150.statcan.gc.ca/n1/daily-quotidien/210218/dq210218b-eng.htm>.

The CCAB membership directory was used to invite over 150 Indigenous business owners. 12 Indigenous business leaders were able to attend.

Agenda

(All times in Mountain Standard Time)

- 10:00 AM** – Registration
 - 10:30 AM** – Event Start and Elder Blessing
 - 10:45 AM** – Introductions
 - 11:00 AM** – Topic 1: *The 5 W's of IP*
 - 11:55 AM** – Topic 2: *Your business and navigating IP*
 - 12:40 AM** – Lunch Break
 - 01:10 PM** – Topic 3: *Safeguarding Indigenous IP*
 - 01:55 PM** – Break
 - 02:05 PM** – Topic 4: *IP Strategy and Recommendations*
 - 02:50 PM** – Closing Remarks
 - 03:00 PM** – Event End
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Objectives

The roundtable aimed to accomplish the following three objectives:

1. Provide a framework for understanding IP and its potential application to Indigenous businesses.
2. Connect Indigenous business participants with support organizations and government agencies and departments and that can help them on their IP journey.
3. Determine what Indigenous businesses need and obstacles they face when it comes to IP and making their innovations available to the public and use this information to guide future roundtables and data collection efforts.

The following were key points discussed at the roundtable:

- Difficulties in reconciling Indigenous and Western colonial concepts of IP. Indigenous Knowledge, TK, and TCEs must be viewed on an equal footing as Western knowledge.
- What are some of the definitions of TK and TCEs, and how do they fit into the current IP framework? Is it compatible with collective forms of knowledge?
- The most effective strategies for informing Indigenous businesses about the value of IP protection.

- A walkthrough of the various support organizations that provide IP-related funding and guidance.

Outcomes

- There is a need to organize follow-up events aimed at increasing Indigenous businesses' engagement with Canada's IP network by developing strategies relevant to them that work towards Indigenizing the current system.
- It is clear from our discussions that there is a fragmented Indigenous IP network consisting of entrepreneurs, community representatives, and IP experts interested in and working to serve Indigenous businesses and their specific IP needs within Alberta.
- CCAB gleaned a wide range of insights that will be used to inform ongoing studies as well as future IP-focused gatherings.
- There seems to be interest in the creation of something new for Indigenous entrepreneurs concerning their IP. Establishing Indigenous Knowledge Hubs as a starting point would provide Indigenous Peoples the space to curate their own IP framework that would more adequately address their needs with appropriate supports and services.
- Continue to gather IP resources and conduct research on this topic so that CCAB can provide more utility concerning IP supports in-house or clearer direction connecting our members with the appropriate channels.

Participant Feedback

Participants expressed a desire to keep conversations of this nature at the forefront of discussions regarding Indigenous businesses. Attendees noted the relevance of this topic to themselves and many of their entrepreneurial colleagues who through discussion have shared concerns and questions about safeguarding aspects of their business with IP. It appears that many Indigenous business owners already understand the need to learn more about how they might use IP or other systems to improve their products and services. Those who took part mentioned that for future events they would like to focus more on topics like Indigenous data sovereignty, the relationship/ risks related to artificial intelligence (AI) and Indigenous businesses, IP litigation/ "what to do" if IP is infringed on, and when to start thinking about leveraging IP within the business lifecycle.

Next Steps

CCAB will continue to work with Indigenous entrepreneurs and relevant IP actors to promote ongoing discussions about best strategies for engaging Indigenous businesses operating within established IP channels while also advocating for the recognition of alternate or Indigenous models. To better understand how IP affects Indigenous businesses, CCAB will continue to facilitate open dialogue on IP and conduct research that amplifies the perspectives of Indigenous businesses and peoples while informing the creation of a more equitable and accessible IP system in Canada for Indigenous entrepreneurs.

For more information about the roundtable discussion, please contact:

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