

FLASH REPORT:

Indigenous Knowledge and Intellectual Property (IP) Roundtable

Calgary, Alberta

February 21, 2024



Prepared by: Canadian Council for Indigenous Business

Background

CCIB and our project partners at Innovate Calgary have been collaborating over the past year 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, CCIB has been onboarding Indigenous businesses from our membership into the program to assist with their IP needs while hosting roundtables to explore the nature of those needs and to what extent they are a product of the current IP system. On Wednesday, February 21st, 2024, CCIB hosted a fourth installation of its Indigenous Intellectual Property (IP) Roundtable series, this time focusing on using the insights we have gained related to better understanding the barriers and challenges tied to IP and the use of Traditional Knowledge (TK) in business to inform future policy advocacy. The work that CCIB and its partners have been conducting on IP, TK, and innovation over the past few years is informed by previous findings from CCIB'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.

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 protect their creations, and those of their nations or communities. The hope was that this would contribute to the existing dialogue surrounding Indigenous Knowledge and IP that CCIB and its partners have created and influence policy changes that ensure the best value of the current IP system for Indigenous entrepreneurs but also help broaden the scope of what is currently understood as knowledge worth recognizing and protecting. He

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, CCIB ensured that support organizations were present as key connectors to funding, business development opportunities, and 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 were 42 people in attendance (35 in-person and 7 virtual attendees), including Indigenous business leaders, an IP lawyer, and non-Indigenous organizations offering support. The CCIB membership directory was used to invite over 250 Indigenous business owners. 29 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 provided by Colleen Waskewitch

10:45 AM – Introductions

11:00 AM – Presentation #1: Angie Saltman, President and CEO Saltmedia

11:40 AM – Discussion

12:15 PM – Lunch Break

01:15 PM – Presentation #2: Kyle Napier, Senior Consultant Tataga

01:35 PM – Discussion

02:00 PM – Coffee break and networking

02:15 PM – Discussion on advocacy, strategies, and best practices related to Indigenous Knowledge

03:00 PM – Closing remarks and networking

04:00 PM – Event end

Objectives

The roundtable aimed to accomplish the following three objectives:

1. Continue gaining insight and knowledge related to IP-specific challenges and barriers Indigenous businesses face while maneuvering through the Western IP system.
2. Provide a platform for connections between Indigenous business participants, support organizations, and government agencies that can help them on their IP journey.
3. Gaining further insights on the challenges that Indigenous entrepreneurs face related to using and protecting elements of their TK or IP in their business.
4. Identify jumping-off points for future policy advocacy related to recognizing Indigenous Knowledge rights, providing adequate protections, and ensuring respectful uses in business.

The following were key points discussed at the roundtable:

- How TK and IP manifest within the context of specific industries.
- The importance of definitions and terminology related to understanding TK and TCEs, and how, or should it, be worked into Canada's current IP framework?
- Best practices for Indigenous businesses looking to engage with their TK and the role of colonialism in this reclamation or reconnection process.
- Presentations from 2 Indigenous business leaders focused on providing educational and entrepreneurial contexts as the foundation for discussions amongst other attendees.

Outcomes

- There is a need to organize follow-up events to increase Indigenous businesses' engagement with Canada's IP system while making policy recommendations to create a more robust framework for understanding, recognizing, and protecting TK.
- Our discussions clearly show that the definition of TK, as it is currently being discussed and understood in our roundtable discussions, requires special treatment as a unique expression of knowledge that is not aligned with what currently constitutes IP in Canada.
- CCIB gleaned a wide range of insights that will be used to inform ongoing studies and future IP-focused gatherings.
- There seems to be interest in dedicated resources to help Indigenous businesses and communities better understand their own TK, IP, and how it might be leveraged in business. Colonialism sought to destroy Indigenous Knowledge/ knowledge systems making this process especially difficult to undertake in most circumstances.
- Continue to gather IP resources and research this topic so that CCIB can provide more utility concerning IP supports in-house or clearer direction connecting our members with the appropriate channels.
- CCIB is developing a “what we heard” document that hopes to capture the essence of the conversations and some of the participants' suggestions or recommendations about IP strategy and ideal policy advocacy points.

Participant Feedback

In line with our previous Indigenous Knowledge and IP roundtables, participants expressed gratitude for creating the space for Indigenous entrepreneurs to come together and share experiences, insights, and strategies related to TK in their business. Many of the Indigenous business leaders in attendance have been attendees at previous CCIB Indigenous knowledge and IP engagements, which provided good continuity in the conversation and allowed those who had experience participating in one of these events to coax those newcomers into feeling comfortable sharing. A brief feedback survey was circulated to those in attendance and data collected is used to inform reporting.

Next Steps

CCIB 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, CCIB 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.

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