

- **This work and presentation were created and conducted on Unceded Algonquin Anishinaabeg Territory**
- **We also encourage you to acknowledge, create, and sustain lasting relationships with the Indigenous peoples and territories in which you may reside**
 - **Merci – Miigwetch – Thank you**





Indigenous Intellectual Property Program Grant Townhall and Info Session

International and Indigenous Intellectual Property
Policy Team

Copyright and Trademark Policy Directorate
Marketplace Framework Policy Branch

Presentation Objectives

- Guiding Principles
- Intellectual Property (IP)
- ISED Intellectual Property Strategy
- Indigenous Intellectual Property Program
- Indigenous IP Program Grant
- Funding Streams
- Assessment Process Overview
- Application Process
- Evaluation Process



Guiding Principles

- Respect Indigenous worldviews, and the rights of Indigenous Peoples, as articulated in UNDRIP (2007);
- Support and uphold the principles of reconciliation, articulated through the report of the Truth and Reconciliation Commission of Canada (2015);
- Support activities that:
 - Respect and encourage First Nations, Inuit and Métis self-determination;
 - Increase use of the IP system by Indigenous Peoples in Canada;
 - Recognize Indigenous creative and innovative practices and communities; and
 - Enable Indigenous economic, social, and cultural development.
- Recognize the distinct and unique place of First Nations, Inuit and Métis peoples in Canada as holders, creators, interpreters, translators and transmitters of IK and ICEs;



Guiding Principles

- Recognize the unique contributions of First Nations, Inuit and Métis peoples in Canada to Canada's economy and culture;
- Recognize the distinctiveness of the many unique and self-defining First Nations, Inuit and Métis peoples in Canada, as well as the important roles and responsibilities of key individuals such as knowledge holders, Elders, women, leaders, and cultural advisors;
- Support Canada's commitment to inclusion and diversity by applying a Gender-Based Analysis Plus (GBA +) lens to the implementation of the IIPP whenever possible, including, but not limited to, considerations of gender expression or gender identity, sexual orientation, age and mental and physical disability.



Intellectual Property (IP)

- expressions of ideas
- 8 main areas/types: Patents, Trademarks, Copyright, Trade Secrets, Industrial Designs, Geographical Indications (GI), Plant Breeders' Rights, and Integrated Circuit Topographies (ICT)

Indigenous Knowledge (IK) and Indigenous Cultural Expressions (ICEs)

- Indigenous Knowledge (IK):
 - IK and/or sometime also known as, Traditional Knowledge (TK) generally refers to the know-how, skills, innovations and practices developed by Indigenous peoples related to biodiversity, agriculture, health and craftsmanship.
- Indigenous Cultural Expressions (ICEs):
 - ICEs and/or also Traditional Cultural Expressions (TCEs), generally refer to tangible and intangible forms in which TK/IK and culture are expressed and may include oral stories, artwork, handicrafts, dances, fabric, songs or ceremonies.



Intellectual Property Strategy

- Supporting innovation, stimulating growth and creating jobs
- Launched in 2018, the Government of Canada's IP Strategy will be making sure that Canadian businesses, creators, entrepreneurs and innovators have access to the best possible IP resources through IP awareness, education and advice; strategic IP tools for growth; and IP legislation.

<https://www.ic.gc.ca/eic/site/108.nsf/eng/home>

Indigenous Intellectual Property Initiatives

- aims to support Indigenous participation in national and international discussions about IP and how it interacts with indigenous knowledge and cultural expression. This includes support for Indigenous people's participation in the World Intellectual Property Organization (WIPO) Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), for domestic engagement with Indigenous peoples, and for research activities and capacity building.



Indigenous Intellectual Property Program (IIPP) Grant

- funds eligible Indigenous organizations to fund travel to participate at WIPO, small-scale initiatives and projects related to intellectual property (IP), Indigenous knowledge (IK) and Indigenous cultural expressions (ICEs).
- Recipients for the 2021-2022 application period:
 - The Native Women's Association of Canada
 - Kwilmu'kw Maw-klusuaqn Negotiation Office
 - Ulnooweg Education Centre
 - Haida Gwaii Museum Society
 - Mawi'Art: Wabanaki Artist Collective

Eligibility

- Eligible organizations are Indigenous organizations that are able to successfully complete the proposed eligible activities and contribute to achieving the objectives of the IP Strategy.
- Indigenous organizations in Canada are eligible for funding if they are a part of the following Indigenous (i.e., First Nations, Métis, or Inuit) Class of Recipients:

Recognized representative Indigenous bodies at the national level	Indigenous Economic Institutions/Organizations/Corporations/Businesses
Indian Bands/Inuit Settlements	Beneficiaries of comprehensive land claims and/or self-government agreements with any group of Indigenous people
District Councils/Chiefs Councils	Indigenous Cultural Education Centres
Indigenous Associations/Organizations; Tribal Councils	Indigenous Co-operatives
Other Indigenous Communities	Boards and Commissions

**The applicant's signing authority must be 18 years of age or older and capable of entering into legally binding agreements.

Subject Matter

- For the purposes of the IIPP Grant, proposals must be focused on subject matter related to intellectual property, Indigenous Knowledge (IK), and Indigenous Cultural Expressions (ICEs).
- The IIPP Grant cannot fund proposals focused on:
 - Knowledge about places and locations (e.g., sacred sites, migration routes, etc.) with no links to IP
 - The preservation, maintenance, creation or development of Indigenous knowledge and cultural expressions with no link to protection through intellectual property or other means (e.g., recording the process of creating a handicraft or harvesting a plant without consideration of how the recording or the IK itself will be protected).

Funding Streams

1. WIPO Travel
2. Small-Scale Initiatives
3. Projects



Stream 1: WIPO Travel Stream

- This stream makes funds available for travel to World Intellectual Property Organization (WIPO) events, meetings, and negotiations related to IP and IK and ICEs, particularly the Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore (IGC) – not exceeding \$5,000 for a single person per trip.
- Applicants must be Accredited Observers to the intended meeting in order to be eligible for funding under this stream.



Stream 2: Small-Scale Initiatives

- This stream makes funds available for IP-related activities, limited in scale and scope, duration and resources required – not exceeding \$15,000
- Eligible Activities include:
 - IP education, capacity building and awareness raising activities;
 - Research, development, commercialization and/or protection of IP;
 - Contracting or conducting research on subjects related to IP and the protection of IK and ICEs;
 - Obtaining expert advice on issues related to IP, IK and ICEs;
 - Development of guidelines, protocols, pilot projects or similar undertakings relating to IP and IK and ICEs; and
 - Travel required to and associated with undertaking the small-scale initiative.



Stream 3: Projects

- This stream makes funds available for IP-related projects that are more complex or comprehensive than Small-Scale Initiatives, requiring more resources and a longer duration and can include a combination of activities as listed below – not exceeding \$50,000.
- Eligible Activities may include:
 - IP education, capacity building and awareness raising activities;
 - Research, development, commercialization and/or protection of Indigenous IP;
 - Contracting or conducting research on subjects related to IP and the protection of IK and ICEs;
 - Obtaining expert advice on issues related to IP, IK and ICEs;
 - Hosting or co-hosting workshops, conferences, seminars, meetings, or other similar events aimed at the development of policy positions on IP and IK and ICEs;
 - Development of guidelines, protocols, pilot projects or similar undertakings relating to IP and IK and ICEs; and
 - Travel required to and associated with undertaking the project

Application Process

- Application Process Launch/Window Opens
- Submit completed Application Form by the deadline
- Application Evaluation and Assessment Period
- Notice of Results
- Supporting Documentation for Successful Applicants
- Grants Paid



Assessment Process Overview

Stage 1 – Eligibility Assessment

The IIPP Granting Authority assesses eligibility of applicants, proposals and budgets. If eligible, application moves onto Stage 2, if not eligible, assessment does not continue.

Stage 2 – Merit-Based Assessment

A three (3) person assessment panel assigns scores for criteria in three (3) categories: Impact, Need, and Feasibility to establish score out of 100 points. Each category must pass (50%+) to qualify.

If qualified, application moves onto Stage 3; if not qualified, assessment does not continue.

Stage 3 – Additional Considerations & Recommendations

The IIPP Granting Authority uses the average scores and takes into consideration other asset criteria related to diversity and inclusion such as gender, region, peoples represented, age, disabilities, etc. in consideration of the funding available to develop recommendations.

If recommended, application is sent to the Minister of ISED for final decision.

Funding Agreement for Successful Applicants

- Upon notification of a successful application, a Funding Agreement will be signed by successful applicant ('Recipient') to receive funding and ISED. The Funding Agreement will set out the terms and conditions of the grant funding that must be met prior to and following disbursement of the grant.
- Recipients must have completed the requirements related to any previously awarded grants prior to signing any new Funding Agreement with ISED and receiving any new funding.



Reporting Requirements

- Upon completion of the WIPO Travel, Small-Scale Initiative or Project for which funding has been awarded, Recipients will be required to submit a report using a template to be provided by the Granting Authority, including actual expenditures, benefits and/or outcomes achieved.



Additional Resources

- [Canadian Council for Aboriginal Business \(CCAB\)](#)
- [Intellectual Property Institute of Canada \(IPIIC\)](#)
- [Canadian Intellectual Property Office \(CIPO\)](#)



Moving Forward Together

- It is our hope and intention to work together with Indigenous peoples, Nations, artists, and creators to help further understand and evolve the current national IP system to help better address current gaps and issues, and to more importantly, help create a more inclusive and useful IP system that includes, supports, and strengthens Indigenous IP practices and expressions, moving forward together.



Miigwetch – Merci – Thank you



www.canada.ca/Indigenous-IP