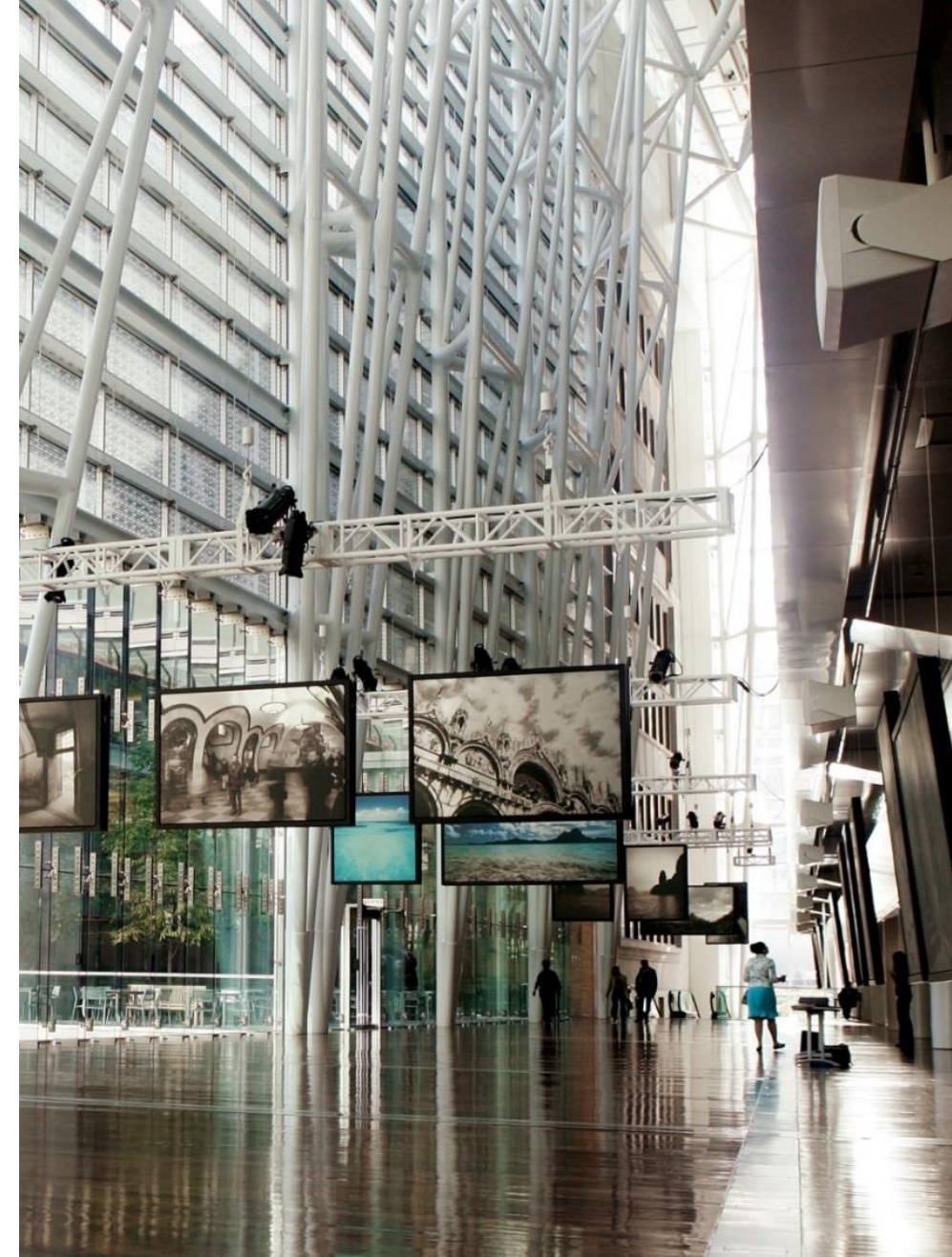




Introduction to intellectual property (IP) and its interaction with Indigenous Knowledge (IK)

July 6, 2022





INDIGENOUS KNOWLEDGE AND INDIGENOUS CULTURAL EXPRESSIONS

What is Indigenous knowledge (IK)?

Know-how, skills, innovations and practices developed by Indigenous peoples.

What are Indigenous cultural expressions (ICEs)?

Tangible and intangible forms in which IK and culture are expressed (e.g. **oral stories, artwork**, etc.) sustained and passed on from generation to generation within a community.



TRADEMARKS

-  A **“sign”** that differentiates your products and services, includes symbols, words, colours, shapes, scents, videos, and sounds
-  Mix of automatic (use) and registration
-  **Right to exclude** others from using your mark
-  **10-year term** and renewable every 10 years
-  Use **™** before registration, and **®** after

Manitobah Mukluks

- Métis entrepreneur Sean McCormick grew his company from a small trading post to a fast-growing footwear brand.
- The company has filed registered trademarks and generates more than \$25 million in annual sales.





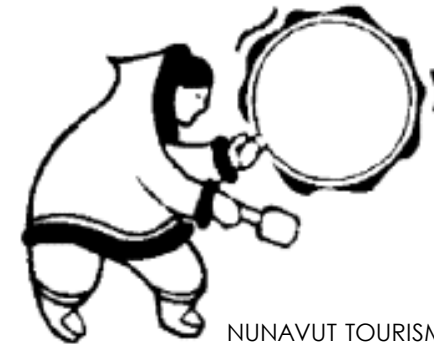
EXAMPLES OF TRADEMARKS



TMA676131



NUNAVIK NICKEL & DESIGN
Canadian Royalties Inc.
TMA889342



NUNAVUT TOURISM
DRUMMER Design
TMA791103



Inuit and sun
Kativik Regional Government
TMA848525



FANCIFUL BIRD Design
Nunavut Arctic College
TMA601556



Official mark - 0919725



COPYRIGHT



Protects **creative, original works** in various forms including literary, dramatic, musical, or artistic



Exclusive rights to reproduce the work, and to publish, translate, perform, etc.



Automatic upon creation:
• registered = **certificate of ownership**



Duration varies by jurisdiction
e.g. Canada = **life of creator plus 50 years**

Protections under the *Copyright Act*

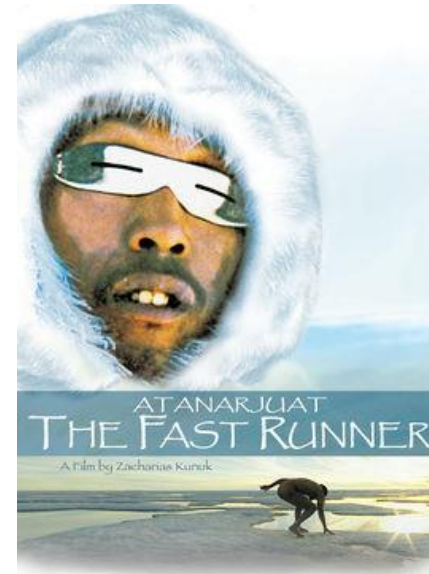
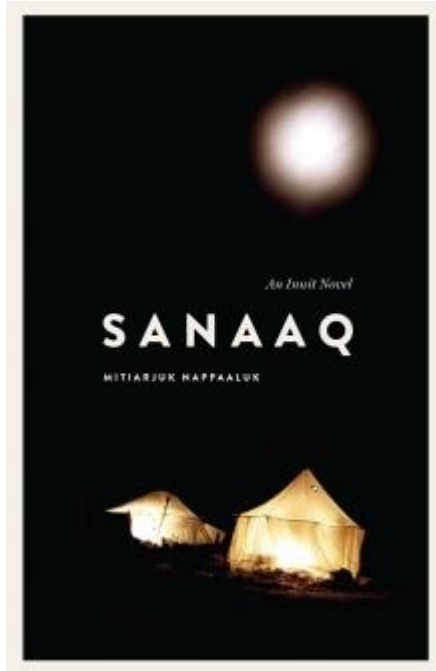
They have been widely used by Indigenous artists, performers, composers and writers of traditional-based creations:

- Pacific coast wood carvings, including masks and totem poles
- Haida silver jewelry
- Songs and sound recordings
- Inuit sculptures



20 art tour, Eastern Townships, Quebec
(Source: Brand Canada)

EXAMPLES OF COPYRIGHT





PATENTS



For **new, useful** inventions that are **not obvious**



Right to exclude others from making, using, or selling



Up to **20 years** from filing



Application (**full disclosure**), examination, grant



12-month grace period to apply after public disclosure in some jurisdictions

Asham Curling Supplies

- Métis entrepreneur Arnold Asham built his namesake company on innovations in the curling industry.
- The company has filed numerous applications to protect its innovative curling shoes and brooms.



Arnold Asham
CA2326254 C
granted 2002/04/14

If an invention simply replicates IK, it does not meet the requirement of novelty.

INDUSTRIAL DESIGNS



The **unique visual appearance** of a product



Right to exclude others from making, using or selling the product



Registration in Canada; United States design patent



Up to **15 years** from filing



12-month grace period in some jurisdictions

West Baffin Eskimo Co-operative Ltd.

- The company filed more than 50 industrial designs in the late 1960s.
- These covered fabrics using traditional images of animals and Inuit people.



The West Baffin Eskimo Co-operative Ltd.
Registered: 1965/09/27



HOW CAN I BENEFIT FROM KNOWLEDGE OF IK, TCES AND INTELLECTUAL PROPERTY?

Having knowledge of IK, ICEs and the intellectual property (IP) system can provide **greater options to preserve and promote** Indigenous knowledge and culture.

Preservation

- IK is preserved through different means including through oral culture as the means of transmission.

Commercialization opportunities

- You can license your IK to others to create new products (i.e. pharmaceutical products, sporting equipment, clothing designs, etc.).

INTELLECTUAL PROPERTY STRATEGY EXAMPLES

OFFENSIVE



Creating an IP position to block competitor growth;

- Strong market leadership
- Filing blocking patents
- Enforcement

DEFENSIVE



Creating a stable IP position against external threats:

- Freedom to operate
- Deter lawsuits
- Robust trade secret

LICENSING



Acquiring IP assets for the purpose of generating revenue:

- Through brand licensing
- Software licensing

FINANCIAL



Acquiring IP assets to specifically increase valuation:

- Merger & Acquisition
- Investor funding
- Initial public offering



HIRING AN IP PROFESSIONAL

An **IP professional**, such as a patent agent, a trademark agent or an IP lawyer, can help you identify and file your IP, develop a strategy and make a budget to protect and enforce your IP in Canada and around the world.

Consult the [Patent and TM agent College](#)'s list of registered Canadian patent and trademark agents.

Approximate cost range for Canada

IP agent costs vary, based on the complexity of the work and the experience of the agent.

Trademark: \$500 to \$2,000

Patent: \$5,000 to \$25,000

Industrial design: \$500 to \$2,000

Copyright: \$0 to \$500

**The IIPP Grant's
funding streams
cover expert fees
when related to IP, IK
and ICES**

Contact CIPO



Canada.ca/ip-for-business



Client Service Centre

Phone: 1-866-997-1936



In-person meetings by appointment

Canadian Intellectual Property Office

Place du Portage I

50 Victoria St., Room C-229

Gatineau, QC K1A 0C9



IP advisor: Caroline Lefebvre– caroline.lefebvre@ised-isde.gc.ca



Find more programs and support for Canadian businesses and innovators at innovation.canada.ca

Other CIPO events: Search “CIPO calendar of events”



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