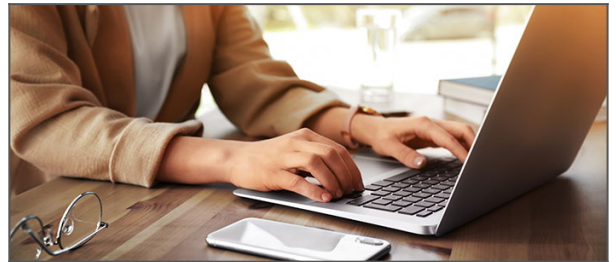


Intellectual Property and Indigenous Knowledge and Cultural Expressions: Grants Available to Foster Development and Inclusiveness

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The Indigenous Intellectual Property Program (“IIPP”) is a program run by the Government of Canada that provides grants to Indigenous organizations in an effort to create an intellectual property regime that is more inclusive of Indigenous Peoples in Canada (the “IIPP Grant”). The application process for the 2023-2024 funding period is now open. Applications are due by 11:59 p.m. (Pacific Time) on August 8, 2023.



Intellectual property (“IP”) is a catch all term for creations of the mind, such as inventions, symbols, logos, and literary or artistic works, among other things. Different types of IP are protected through different regimes, such as patents, copyright, trademarks, trade secrets, industrial design and plant breeders’ rights; however, these regimes are based on western colonial views of individual ownership and aim to protect for the purpose of exploitation for profit.

These regimes are often inadequate for protecting Indigenous knowledge and practices, many of which are held collectively and evolve as they are passed on from generation to generation. For example, copyright protection requires an individual author and that the work be fixed, both of which mean cultural expressions owned communally and passed on orally cannot be protected. While there are some examples of current IP regimes being utilized to protect Indigenous knowledge and cultural expressions, authenticity labels like the Genuine Cowichan official mark and certification mark being one example, there are many more examples of cultural appropriation and exploitation that are difficult to guard against using the current regime.

Canada’s national IP Strategy attempts to provide Canadian businesses, creators, entrepreneurs and innovators with access to IP resources by promoting IP awareness, and providing strategic IP tools for growth, education, and legislation. The IIPP Grant is meant to expand that effort to Indigenous communities, specifically by providing funding to create opportunities for Indigenous peoples to participate in engagement activities; domestic and international discussions on IP, Indigenous knowledge and cultural expressions; and to explore options to make the IP system more inclusive and accessible to Indigenous peoples.

Grants are available to Indigenous organizations such as Indian bands, Inuit settlements, recognized representative Indigenous bodies at the national, regional or local level, Tribal Councils, and Indigenous businesses, among other groups.

There are three funding streams:

1. The World Intellectual Property Organization (“WIPO”) Travel Stream, which can provide up to \$5,000.00/person in funding for Accredited Observers to attend WIPO events, meetings and negotiations related to IP and Indigenous knowledge and cultural expressions;
2. The Small-Scale Initiative Stream, which can provide up to \$15,000.00 in funding for short-term IP-related activities; and
3. The Project Stream, which can provide up to \$50,000.00 in funding for IP-related projects that are more complex or comprehensive than the activities under the Small-Scale Initiative Stream.

Projects must relate to the protection of IP and Indigenous knowledge and cultural expressions, such as protection through the Canadian IP regime or through alternative means. Projects such as the development of an IP Strategy; the development of relevant guidelines, protocols or pilot projects; or IP education, capacity, and awareness raising activities may be eligible for funding. Funding can be used to cover costs for hosting related events, fees for consultants and IP professionals, the cost of registering IP relating to an existing or in development product or service, and honoraria or compensation paid to Knowledge Keepers or Elders for their participation in events.

More information can be found on the IIPP Grant – Program Guide website, found [here](#).

TDS lawyers **Silvia de Sousa**, **Kendall (Dell) Dyck** and **Shoshanna Paul**’s practices include intellectual property law and technology law. If you have questions about the Indigenous Intellectual Property Program, please contact them.

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