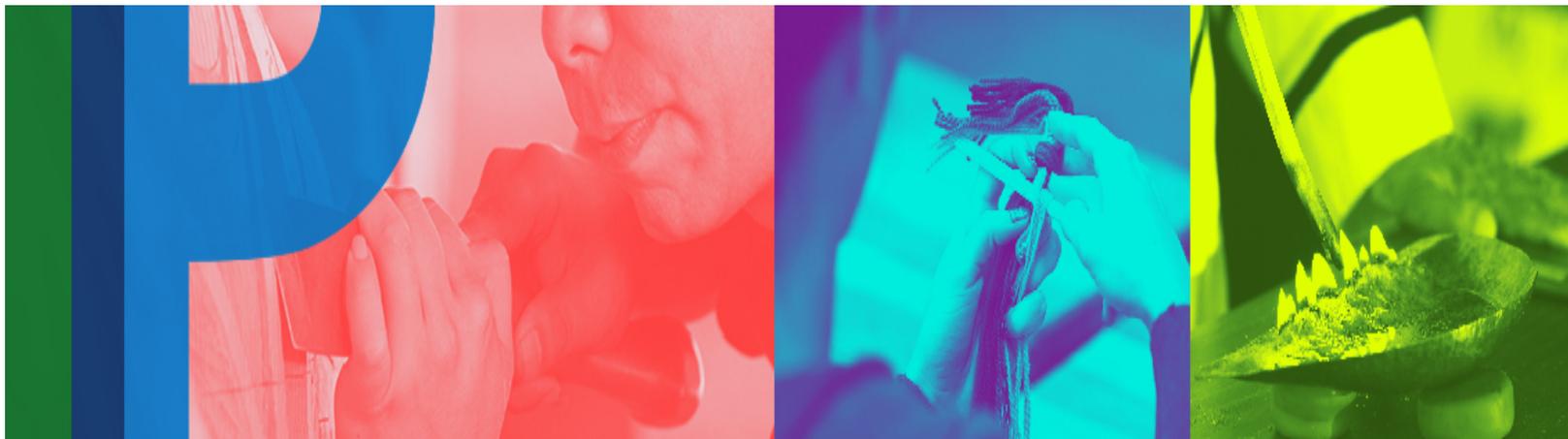




Innovation, Science and  
Economic Development Canada

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# Toward a More Inclusive IP Regime in Canada

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*Practical Workshop on Indigenous Knowledge and Cultural  
Expressions and Intellectual Property*

Montreal, Quebec

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# Objectives of the Presentation

- Provide a brief overview of the Canada's intellectual property (IP) regime, its governance and latest policy developments
- Present recent initiatives of relevance to IP, Traditional Knowledge and Traditional Cultural Expressions



# Canada's IP Regime

- **Statutes:**

- In Canada, intellectual property is mostly protected by specific intellectual property laws, such as the *Patent Act*, the *Copyright Act* and the *Trademarks Act*.

- **Governance:**

- Innovation, Science and Economic Development: overall responsibility
- Canadian Heritage: shares responsibility for copyright
- Canadian Intellectual Property Office (CIPO): responsible for most of the administration and processing
- Global Affairs Canada: manage negotiation of international treaties
- Trade secrets are primarily a matter of common law (except for Quebec) under the provinces and territories

- **Enforcement:**

- IP rights can be enforced through private civil actions, criminal actions by a government authority and border measures



# Recent Developments

## Domestic:

- Canada's IP Strategy
- Parliamentary Review of the Copyright Act



## International:

- Canada's Trade Diversification Strategy
- Continued Presence at WIPO and other multilateral fora (e.g., WTO, CBD)



# Indigenous IP Initiatives



- IP Strategy announced in 2018 committed \$1M over five years to Indigenous initiatives
- Objective is to contribute to a more inclusive IP system:
  - Support Indigenous IP awareness and capacity building
  - Enable Indigenous participation in the development and implementation of IP law, policy and programs as they relate to the protection of traditional knowledge (TK) and traditional cultural expressions (TCEs) – both domestically and internationally
- Aligned with Government-wide commitment to reconciliation and inclusive economic growth



# 1 – Data Collection

- Data collection on the use and awareness of IP protections, services and resources by Indigenous businesses and entrepreneurs
- The aim is to collect data on the use of IP protections, services and resources by Indigenous businesses and entrepreneurs



## 2 – Education and Awareness Raising

- Under the leadership of the Canadian Intellectual Property Office and in partnership with Indigenous organizations, business and academia, development of targeted education materials and programs
  - Seminars with key national organizations (Indigenous financial institutions, business associations)
  - IP Advisors
  - Case studies



## 3 – Grant Program

- Grants to enable capacity building and the participation of Indigenous representatives in the development and implementation of policy and programs at both the domestic and international level
- Key objectives are:
  - Increased dialogue on the reconciliation between Indigenous peoples and the IP system
  - Demonstrate commitment to and support for work to advance Indigenous issues in international fora, including United Nations bodies, such as the World Intellectual Property Organization (WIPO)
  - Increased use of the IP system by Indigenous peoples



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# 4 – Domestic and International Engagement

- Canada is seeking to work more closely with Indigenous peoples moving forward:
  - on the development of domestic IP, starting with a number of multi-stakeholder workshops in 2019-2020 and one-on-one engagement; and
  - in a number of international IP fora, notably the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).



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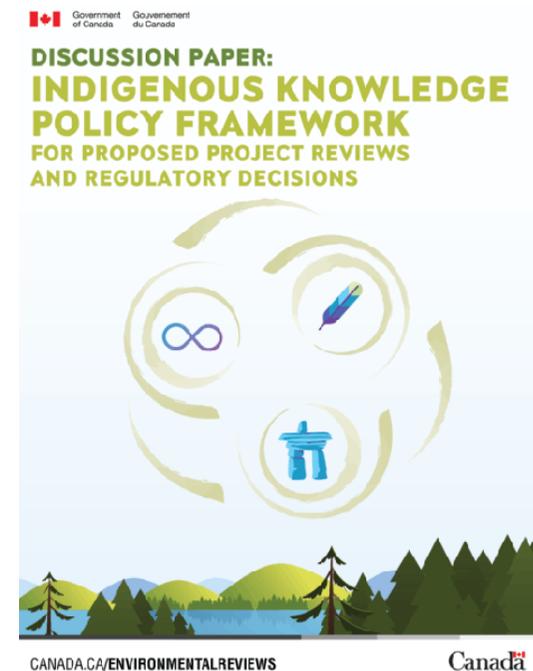
# Other Relevant Governmental Initiatives

- Science and Research
  - **Canada Research Coordinating Committee** – Strategic Plan
  - **Social Sciences and Humanities Research Council** – Indigenous Research Support
- Arts and Culture
  - **Library and Archives Canada** – Digitization initiatives
  - **Canadian Heritage** – Indigenous Languages and Cultures Program
  - **Canadian Museum of History** – Repatriation Policy
  - **Canada Council for the Arts** – Creating, Knowing and Sharing Program



# Other Relevant Governmental Initiatives (cont'd)

- Environmental Protection
  - Environmental Assessments
    - Require transparency about how Indigenous knowledge is used in impact assessments, as well as regional and strategic assessments. Assessment reports would need to describe how Indigenous knowledge was taken into account
    - Provide strong protection for the confidentiality of Indigenous knowledge
  - Impact Assessment Agency
    - Development of a principles-based Indigenous knowledge policy framework



# Conclusion

- Reconciling the current IP system with the protection of TK and TCEs is a complex and controversial area of the law both domestically and internationally
- IP offers both opportunities and creates challenges for the protection of TK and TCEs
- The Government and Indigenous people in Canada need to work together to consider how to address these opportunities and challenges, starting with the initiatives under the IP Strategy



# For more information:



The screenshot shows the Government of Canada website header with the Canadian flag, the text 'Government of Canada' and 'Gouvernement du Canada', and a search bar. Below the header is a navigation menu with categories: Jobs, Immigration, Travel, Business, Benefits, Health, Taxes, and More services. The breadcrumb trail reads: Home → Business and industry → Intellectual property and copyright → Intellectual Property Strategy. The main heading is 'Indigenous Peoples and Intellectual Property' with a sub-heading 'From: Innovation, Science and Economic Development Canada'. Below the text is a horizontal banner image consisting of three panels: a large blue letter 'P' on a red background, hands holding a string of beads, and a close-up of a plant with yellow flowers.

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## Indigenous Peoples and Intellectual Property

From: [Innovation, Science and Economic Development Canada](#)



The intersection of the intellectual property (IP) system and the protection of Indigenous knowledge and cultural expressions is receiving increasing attention within Indigenous communities in Canada, among government policy makers and in international trade and policy fora. Indigenous peoples have a particular

[www.Canada.ca/Indigenous-IP](http://www.Canada.ca/Indigenous-IP)  
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