

First Nations intellectual property guidelines



The *First Nation Intellectual Property Strategy* aims to acknowledge traditional ecological, sacred, gender-specific, language related or collaboratively generated entrepreneurial knowledge as valuable intellectual property. 1BCRC acknowledges the aspirational goals of self-determination and supports First Nations' rights to control intellectual property assets according to self-directed priorities and aspirations. By emphasising principles of ownership, control, and respect, the *First Nations Intellectual Property Strategy* promotes safeguarding community-centric intellectual assets, ensuring use and management of intellectual property aligns with First Nations values and cultural protocols. The key components of a 1BCRC project *Intellectual Property* strategy include:

- i. Aligns with international and national policies that protect First Nations intellectual property rights (see XXX).
- ii. Supports the right of First Nations to control and make decisions about intellectual property, reflecting self-determined priorities and interests.
- iii. Mandates that researchers, governments, and industry partners obtain explicit consent from First Nations communities before using or accessing intellectual property assets.
- iv. Emphasizes the importance of maintaining ongoing dialogue with First Nations communities regarding the use and management of intellectual property assets.
- v. Affirms the ownership rights of First Nations communities over traditional, language, cultural expressions, art, economic and entrepreneurial knowledges.
- vi. Recognition includes acknowledging collective ownership and rights held by communities rather than individuals.
- vii. Grants First Nations the authority to control the use, dissemination, and commercialisation of intellectual property. This may include but is not limited to establishing mechanisms for managing and protecting intellectual assets.
- viii. Supports the creation and implementation of 1BCRC legal instruments that recognise and protect First Nations intellectual property rights. This may include but is not limited to adapting existing 1BCRC intellectual property policy or developing new frameworks tailored specifically to First Nations' needs.
- ix. Ensures First Nations communities receive fair and equitable compensation for the use of intellectual property assets. This may include but is not limited to negotiating terms that provide economic benefits and support community development.
- x. Ensures the use and management of intellectual property align with First Nations cultural values and practices. This may include but is not limited to honoring cultural protocols and traditions associated with intellectual property.
- xi. Provides legal, ethical and operational safeguards against unauthorised use or misappropriation of traditional knowledge and cultural expressions. This may include but is not limited to ensuring such knowledge is not utilised without permission or proper compensation.
- xii. Promotes the use of intellectual property in ways that contribute positively to First Nations communities, enhancing social and economic well-being.
- xiii. Supports capacity building within First Nations communities to manage and protect intellectual property. This may include but is not limited to providing education and training on intellectual property rights, legal mechanisms, and commercial opportunities.
- xiv. Ensures that intellectual property is used ethically, with respect for cultural contexts and values. This may include but is not limited to addressing issues of cultural

appropriation and ensuring that representations of First Nations culture are accurate and respectful.

- xv. Establishes mechanisms for monitoring and evaluating how First Nations intellectual property assets are managed and used across 1BCRC activities.
- xvi. Ensures transparency in process and establishes accountability for any breaches of rights or agreements.