

May 27 -28, 2025

Reconciliation and the United Nations Declaration Act: Indigenous Intellectual Property in Canada and International Developments

> Hilton Garden Inn 40 Highfield St, Moncton, NB E1C 5N3







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Background and Context

Canada's Truth and Reconciliation Commission's (TRC) Call for Action # 43 recommended the adoption and implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as a framework for reconciliation. In response, the Federal Government of Canada and other governments took consequential steps aimed at implementing UNDRIP. Specifically, in 2021, the Parliament enacted the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA). The Department of Justice (DOJ) has since embarked in ongoing programs detailing the implementation of the UNDA.

A major provision of UNDRIP/UNDA is Article 31, which deals directly, albeit in part, with Indigenous intellectual property rights. It provides, partly, that Indigenous Peoples "have the right to maintain, control, protect and develop their intellectual property over ... [their] cultural heritage, traditional knowledge, and traditional cultural expressions".

Before the enactment of UNDA, in 2018 Canada developed a comprehensive Intellectual Property Strategy through Innovation Science and Economic Development Canada (ISED). The Strategy includes programs under Indigenous Intellectual Property Initiatives, notably the Indigenous Intellectual Property Program (IIPP). The aim is to "support Indigenous Peoples' capacity building, education, awareness raising, and participation in national and international discussion about the complex relationship between the intellectual property system and the protection of Indigenous Knowledge (IK) and Indigenous Cultural Expressions (ICEs)".

Workshop Style and Outcome

In this two-day workshop, the Maritime Aboriginal Peoples Council (MAPC) and the ABS Canada invite select independent subject matter experts, affiliated policy makers, our Indigenous community members to a hybrid, intensive workshop. We explore the current state of developments on the implementation of UNDA through the DOJ's Action Plan vis-a-vis ISED's pre-existing programs under Canada's Intellectual Property Strategy. We ask, how can Indigenous Peoples leverage the opportunity to mainstream Indigenous intellectual property in the emergent intellectual property strategy and Canada's reconciliation project. We are interested in how recent developments on Access and Benefit Sharing (the Convention on Biological Diversity/Nagoya Protocol) and the two new WIPO treaties – Genetic Resources and Associated Traditional Knowledge, and Industrial Design could influence and embolden the quest for fit-for-purpose Indigenous intellectual property in Canada. This is a forum for dialogue, education, exchange of insights, sharing of experience, capacity and network building. The outcome will contribute to mapping a policy direction for our community and government agencies; set a future research agenda to position Indigenous Peoples to effectively contribute to national and international developments around Indigenous intellectual property.

Conference Agenda May 27, 2025

9:00 a.m. – 9:30 a.m.	Arrival / Networking	1:40 p.m. – 2:15 p.m.	Overview of Government of Canada actions on ABS and DSI
9:30 a.m. – 9:40 a.m.	Welcome / Land Acknowledgment / Venue Housekeeping Matters		Kate Davis, Environment and Climate Change Canada
	Vanessa Mitchell, Executive Director of MAPC	2:15 p.m. – 2:50 p.m.	Recent developments at the Convention on Biological Diversity (CBD) related to
9:40 a.m. – 9:55 a.m.	Opening Prayer & Ceremonies Elder Georgina Knockwood-Crane		the Global Multilateral Benefit Sharing Mechanism on Digital Sequence Information (DSI) and Cali Fund
9:55 a.m. – 10:20 a.m.	Opening Remarks: Reconciliation and the UNDA / Overview of Event		Preston Hardison, Tebtebba Foundation of the Philippines
	Program / Announcements Vanessa Mitchell, Executive Director of MAPC	2:50 p.m 4:00 p.m.	Day I Reflections: A Roundtable Session

10:20 a.m.– 11:00 a.m. Day 1 Keynote Address

Chidi Oguamanam, Access and Benefit Sharing Canada, University of Ottawa

11:00 a.m. – 11:30 a.m. Coffee Break

11:30 a.m. – 12:05 p.m. Indigenous Intellectual Property in South Africa: a hybrid approach Caroline Ncube, University of Cape Town

12:05 p.m. – 12:40 p.m. Implications of the New WIPO Genetic **Resources and Traditional Knowledge** Treaty on Patent Law and Practice in Canada and Beyond Jeremy de Beer, University of Ottawa

12:40 p.m. – 1:40 p.m. Lunch Break



4:00 p.m. – 4:35 p.m. The WIPO GRATK Treaty: Partnerships to Ensure that Patent Offices are Equipped to Support Indigenous Peoples Jennifer Corpuz, Nia Tero

4:35 p.m. – 4:45 p.m. Summary Recap of the Day / Overview of Day 2 / End of Day Message

4:45 p.m. – 5:00 p.m. Networking / End of Day 1



Conference Agenda May 28, 2025

9:00 a.m. – 9:30 a.m. Arrival / Networking

9:30 a.m. – 9:40 a.m. Welcome / Land Acknowledgment / Overview of the Day Vanessa Mitchell, Executive Director of MAPC

9:40 a.m. – 10:20 a.m. Day 2 Keynote Address Cheryl Simon, Dalhousie University

10:20 a.m. – 10:55 a.m. Indigenous Knowledges and Rights relating to Bushfoods and Medicines in Australia and the Pacific

Daniel Robinson, University of New South Wales

1:35 p.m. – 2:10 p.m. How Canada is Protecting Indigenous Knowledge and Cultural Expressions through its IP system Meika Ellis, Pillar IP Inc.

2:10 p.m. – 2:45 p.m. Indigenous Peoples' Fear of Technological Opportunism over the Interface of "Mandatory Disclosure" and "Information Systems" in the 2024 **WIPO Genetic Resources Treaty** Chidi Oguamanam, Access and Benefit Sharing Canada, University of Ottawa

2:45 p.m. – 3:20 p.m. Day 2 Reflections: A Roundtable Session

10:55 a.m. – 11:25 a.m. Coffee Break

11:25 a.m. – 12:00 p.m. Repositioning Intellectual Property Rights in Nigeria to Advance Indigenous and Local Communities' Interests: National Gaps and **International Developments** Titilayo Adebola, University of Aberdeen

12:00 p.m. – 12:35 p.m. Looking at a Cree Legal Response to Intellectual Property Infringement and Its Relationship with the UN Declaration. Alphonsine Lafond, Dalhousie University

12:35 p.m. – 1:35 p.m. Lunch Break



3:20 p.m. – 3:35 p.m. Summary Recap of the Day & Event / Forward-looking Actions / Closing Remarks

> Vanessa Mitchell, Executive Director of MAPC

3:35 p.m. – 3:50 p.m. Closing Prayer

Elder Georgina Knockwood-Crane

3:50 p.m. – 4:00 p.m. Networking / Departure



A Warm Welcome from Conference Host: Maritime Aboriginal Peoples Council

Executive Director of MAARS

Event Host & Emcee



Welcome Note

On behalf of the Maritime Aboriginal Peoples Council – Maritime Aboriginal Aquatic Resources Secretariate (MAPC-MAARS), I am pleased to welcome you to this small, but mighty, international workshop "Reconciliation and the United Nations Declaration Act: Indigenous Intellectual Property in Canada and International Developments." What an honour to be a part of this initiative with world, we are set of the infields.

this initiative with world-renowned experts in their fields.

I want to thank our presenters for taking the time to be with us over these two days and share their knowledge and experiences. I would also like to thank all participants for their interest in this topic; we are grateful to have members of all four Councils of MAPC in attendance: the Native Council of Nova Scotia, Native Council of Prince Edward Island, New Brunswick Aboriginal Peoples Council, and the Newfoundland Indigenous Peoples Alliance. We are also honoured to have members of the Mi'kmaq Grand Council present.

Let us all learn from each other and leave this workshop with new ideas, knowledge, and perhaps a new friend or two.

Biography

If you'd asked 10 years ago, Vanessa Mitchell could never have predicted that she'd be where she is today. As a settler in Mi'kma'ki, she works daily to reset her mind and erase the remnants of an education steeped in systemic racism. She is honoured to be in the position she currently holds, having stepped in upon the retirement of a legend – Mr. Roger Hunka.

Vanessa comes from the land of Atlantic salmon and fiddleheads – the Restigouche region of northern New Brunswick. Always curious about the world, it came as little surprise to people that knew her that she chose to put her efforts into the world of environment. As an adult, Vanessa earned a Bachelor's Degree of Environmental Studies from Saint Mary's University and subsequently a Master's Degree of Environmental Management from Dalhousie University where she began her journey with the Maritime Aboriginal Peoples Council as a summer field technician for IKANAWTIKET Environmental Inc.'s water quality project along the mighty Shubenacadie River. This role opened her eyes to a fight for which she had little to no previous knowledge. Now she continues to dedicate her efforts to opening the eyes of others and share the fortitude and perseverance of the off-Reserve community of Aboriginal Peoples continuing to reside on their traditional ancestral lands.

While in university, Vanessa realized there were a few key things she wanted to do with her life after graduating – she wanted to be involved in fisheries in some manner, she wanted to work with the Indigenous community, and she wanted to make a difference in the world. Two out of three and working toward the third through outreach, education, and broadening the views of others.

Conference Co-host: Access and Benefit Sharing Canada

Chidi Oguamanam

Access and Benefits Sharing Canada

Day One Keynote & Day Two 2:10 p.m.



Session Description

A key accomplishment of the 2024 WIPO Treaty on Genetic Resources (GR) and Associated Traditional Knowledge (TK) is the provision in Article 3 on mandatory disclosure of the source or origin of GR and associated TK upon which a patent application is based. This session explores the juxtaposition of that Article 3 provision with another important provision of the treaty, Article 6 on "Information Systems." It explores why non-treaty demanding countries sought to dilute the Article 3 provision with the Article 6 provision, stoking the fear of what I characterize as "technological opportunism." I unpack the implications of the two interacting treaty provisions on Indigenous Peoples' preparedness for the implementation of the WIPO treaty.

Biography

Professor Chidi Oguamanam holds the Research Chair in Sustainable Bio-Innovation, Indigenous Knowledge Systems and Global Knowledge Governance at the University of Ottawa's law school. He is affiliated with the three Centres of Excellence, the Centre for Law, Technology and Society, the Centre for Environmental Law and Global Sustainability, and the Centre for Health Law, Policy and Ethics. Dr. Oguamanam is the director of Access and Benefit Sharing Canada (ABS Canada), and a co-founder and co-director of the Open African Innovation Research (Open AIR) Network at the University of Ottawa. In 2023, Dr. Oguamanam and his long-term associate, Professor Jeremy de Beer, were recognized by the SSHRC Impacts Award for outstanding social sciences and humanities research, research training, knowledge mobilization, and outreach activities through the Open AIR project. He is inducted to the Royal Society of Canada College of New Scholars, Artists and Scientists and is a Fellow of the African Academy of Sciences. Professor Oguamanam holds several senior research fellowships with international bodies and institutions, including the University of Cape Town (South Africa) Intellectual Property Unit. An Adjunct Professor at the University Venda's College of Law, South Africa, Dr. Oguamanam is currently among technical expert negotiators at the World Intellectual Property Organization (WIPO) Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions. He provides technical expert support on genetic resources, traditional knowledge, and traditional cultural expressions to UN bodies and several international and regional organizations, as well as to Indigenous and local communities' interests across the world.

Access and Benefits Sharing Canada Consultant

Bertina Lou

University of Ottawa

Access and Benefit Sharing Canada



Biography

Bertina is a second-year law student in the University of Ottawa's English Common Law program interested in specializing in Law and Technology. She holds a Master's in Sociology from Western University and 6 years of combined experience in policy, advocacy, and social science research. Having worked for organizations such as the Government of Canada and Assembly of First Nations, Bertina is delighted to be part of ABS Canada to help address gaps in Canada's intellectual property framework to adequately protect Indigenous rights over genetic resources.

Opening Prayer & Ceremonies

Elder Georgina Knockwood-Crane

Mekwe'k Wowkwis Epit -Red Fox Woman



Biography

Kwe', my name is Mekwe'k Wowkwis Epit. Red-Fox Woman. When I was a little girl, my brother used to go across the river, down in Abegweit First Nation and go get our firewood. This time he went up there, he was cutting wood but he heard this little barking in the woods, so he was crawling around the woods looking for this bark. It was a little fox, but the mother was trapped, so he put the little fox in a bag and he got his wood and came back across the river and came home. He said come here my little sisters. He said, I have this little animal in this bag, I want you to sit in a circle and I'll empty this bag. Whoever the animal goes to, that's your name, you are the keeper of that animal. So, I had my hands down, and the little fox, baby fox, came out and was running around and around and, he came and sat right beside me. So, he said, look at that. Little fox, that's your name Little Fox, Little Red Fox.

Georgina Knockwood-Crane is a Mi'kmaq Elder from Epekwitk (known more commonly as Prince Edward Island today). There are many words that could be used to describe Georgina – she is a mother, a grandmother, a teacher, and a forever learner. She is intelligent, passionate, and caring, which comes out in everything she does.

A long time ago, Georgina vowed to teach the language, culture, and traditions to anyone who wanted to know, and she practices what she preaches! She is the epitome of strengthening and rebuilding culture when she shares Mi'kmaq practices with those who want to learn.

As an Early Childhood Educator, Georgina taught in many kindergartens and preschools servicing Indigenous children. In the same vein of love and sharing, she and her beloved husband, her "bosom buddy" Hubert, fostered over 30 children throughout their lives.

Georgina is the Elder representative for the Native Council of Prince Edward Island. In 2023, she was a recipient of the Senior Islander of the Year Award for which she was nominated because of her active volunteerism in the community.

Georgina is a proud Mi'kmaq woman who has never, and will never, stop fighting for her rights and those of her children, and grandchildren.

Looking at a Cree Legal Response to Intellectual Property Infringement and Its Relationship with the UN Declaration

Alphonsine Lafond

Dalhousie University

Day Two 12:00 p.m.

Session Description



This presentation explores how Cree legal principles, stemming from relationships and obligations, can inform responses to intellectual property infringement. Drawing from Cree legal narratives, it will examine how Cree law conceptualizes permission-based consent, and remedy, particularly through the principles of wâhkôhtowin (kinship) and miyo-wîcêhtowin (upholding good relations).

The presentation highlights how Cree legal remedies, especially the use of transformation as a response to harm, can be applied to contemporary intellectual property challenges facing Cree communities. Finally, it considers how the UN Declaration can be operationalized to affirm and strengthen protections for Cree intellectual property within both domestic and international legal frameworks.

Biography

Alphonsine Lafond is Cree from Muskeg Lake Cree Nation, located in Treaty 6 territory. She holds a Bachelor of Arts from McGill University and earned her Juris Doctor from the University of Victoria Faculty of Law. Currently, Alphonsine is pursuing a Master of Laws (LLM) at Dalhousie University, where her research focuses on Plains Cree representations of intellectual property, and it's interaction with the Canada's implementation of the UN Declaration.

She has contributed to her Nation's self-governance initiatives and serves as a member of the Muskeg Lake Youth Council. Alphonsine has also supported the Government of British Columbia in its implementation of the UN Declaration.

Indigenous Intellectual Property in South Africa: A Hybrid Approach

Caroline B Ncube

Professor, University of Cape Town

Day One 11:30 a.m.

Session Description



This session discusses South Africa's implementation of the United Nations Declaration on the Rights of Indigenous

Peoples. It follows the history of national legislation, namely, the 2013 IP Laws Amendment Act and the 2019 Protection, Promotion, Development and Management of Indigenous Knowledge (PPDMIK) Act to demonstrate South Africa's integrated approach to Indigenous IP.

Biography

Caroline B Ncube is a Professor at the Faculty of Law at the University of Cape Town where she holds the Department of Science, Technology and Innovation (DSTI) - National Research Foundation Research Chair (NRF) in Intellectual Property, Innovation and Development. She holds a NRF B2 rating, which is awarded to researchers who enjoy considerable international recognition for the high quality and impact of their recent research outputs. She is also a Member of the Academy of Science of South Africa (ASSAf). She lectured on the World Intellectual Property Organization (WIPO)-African Regional Intellectual Property Organization (ARIPO)-Africa University Masters Degree in IP (2012 - 2022) and is an Associate Member of the Centre for Law, Technology and Society, University of Ottawa. She is a member of the African Continental Free Trade Area (AfCFTA) Trade and Industrial Development Advisory Council, African Union Scientific Technical Research Commission (ASRIC) Taskforce on IP Protection in Joint Research and Collaboration During Outbreaks and of the African Policy, Research & Advisory Group on Science, Technology and Innovation. She is a co-leader of the Open African Innovation Research (OpenAIR) partnership and participates in several other research projects. She has published extensively on Intellectual Property. One of her key focus areas is the protection of indigenous knowledge, on which she has authored book chapters and co-edited a volume, Indigenous Knowledge & Intellectual Property (Juta, 2013). This aspect is also centred in her work on regional integration efforts an IP law and is the subject of Intellectual Property Policy, Law and Administration in Africa: Exploring Continental and Sub-regional Co-operation (2016, Routledge) now in its second edition Intellectual Property Law in Africa: Harmonising Administration and Policy (2023, Routledge) and Science, Technology & Innovation and Intellectual Property: Leveraging Openness for Sustainable Development in Africa (2021, Juta). It is also examined from the perspective of Human Rights and the SDGs in Bita Amani, Caroline B Ncube and Matthew Rimmer (ed.s) Elgar Companion to Intellectual Property and the Sustainable Development Goals (2024) Edward Elgar.

Her publications are listed at https://carolinebncube.com/research/bookchapters/ ORCID: 0000-0003-0933-937X

Clashing Thoughts: the Impact of Intellectual Property "Rights" on Indigenous Peoples

Cheryl Simon

Assistant Professor of Law, Dalhousie University

Day Two Keynote

Session Description



Through the lens of Mi'kmaw porcupine quillwork and black ash basketry, the session will address how the individual nature of intellectual property rights in Canada is at odds with Indigenous cultural traditions. It will explore the tools available to offset colonial harm and challenge thinking around proposed solutions.

Biography

Cheryl is a proud Mi'kmaw woman from Epekwitk, with extensive experience in community-based policy development. She obtained a B.A. in Native Studies from the University of Lethbridge, an LL.B from the University of Victoria, and an LL.M from Osgoode at York University.

After briefly practicing law, Cheryl worked with a national Indigenous organization where she worked with First Nation communities across the country, assisting in developing culturally relevant governance models based on traditional systems before opening her own consulting business. Cheryl moved on to work with a Treaty rights implementation organization in New Brunswick, while teaching courses on identity law. She is now an assistant professor at Schulich School of Law at Dalhousie University and teaches Aboriginal and Indigenous law. She is a porcupine quill and black ash basket artist and has trained numerous apprentices; she is now incorporating art as a method of transferring Mi'kmaw legal knowledge. Cheryl lives with her husband and their two children in Dartmouth, Nova Scotia. Indigenous Knowledges and Rights relating to Bushfoods and Medicines in Australia and the Pacific

Daniel Robinson

Professor, University of New South Wales

Day Two 10:20 a.m.

Session Description



The presentation will discuss recent developments in Australia on Indigenous knowledges and rights, including aspects of Indigenous cultural and intellectual property (ICIP). Drawing on the Australian Research Council Discovery Project 'Indigenous Knowledge Futures', we will explain some of the IP issues relating to 'bushfoods and medicines', relevant policy developments by the Australian Government, and biocultural protocol development. Some comparison with Pacific Island Country activities and laws will be made (Vanuatu and Cook Islands) where we have also been working on protocols.

Biography

Daniel Robinson is Professor and Convenor of the Environment and Society Group, Faculty of Arts, University of New South Wales (UNSW). He has worked on a range of projects on 'ABS', traditional knowledge and ethical biotrade for UNDP, ICTSD-UNCTAD, DFAT and WIPO, ACIAR amongst others. Daniel is Chief Investigator with Dr Miri Raven on the 5-year Australian Research Council (ARC) Discovery Project: Indigenous knowledge futures: protecting and promoting indigenous knowledge (2018-2022, extended to 2025). Daniel was recently the Pacific Regional Manager of the Access and Benefit-Sharing Capacity Development Initiative, which had a 5-year project implementing the Nagoya Protocol in the Pacific from 2017 to 2022.

The WIPO GRATK Treaty: Partnerships to Ensure that Patent Offices are Equipped to Support Indigenous Peoples

Jennifer Corpuz

Fellow and Strategic Advisor, Nia Tero

Day One 4:00 p.m.



Session Description

This session reflects on the opportunities and challenges posed by the WIPO GRATK Treaty for Indigenous Peoples. Reflections, based on experience, will be shared on how to ensure that Indigenous Peoples and their institutions are able to share their knowledge and wisdom to guide successful implementation of the Treaty.

Biography

Jennifer Tauli Corpuz is an Indigenous woman from the Kankanaey Igorot Indigenous People of the Philippines. She is a lawyer with more than 20 years' experience advocating for the rights of Indigenous Peoples at local, national, and global policy fora. At the Diplomatic Conference that led to the adoption of the WIPO GRATK Treaty, she was the co-chair and main negotiator for the Indigenous Caucus. Implications of the New WIPO Genetic Resources and Traditional Knowledge Treaty on Patent Law and Practice in Canada and Beyond

Jeremy de Beer

Full Professor, University of Ottawa

Day One 12:05 p.m.

Session Description

Forthcoming



Biography

A tenured full professor at the University of Ottawa's Faculty of Law, Jeremy de Beer is a globally recognized researcher in the fields of intellectual property and open collaborative innovation. His research contributions span the disciplines of law, business, political science, international relations and public policy.

As a pioneer of large-scale, international, and interdisciplinary research partnerships, Professor de Beer's work has led to major policy breakthroughs and practical solutions, not only in Canada but worldwide. His outstanding contributions to Canadian intellectual property legislation, court decisions, and public policies over nearly two decades have played a pivotal role in solving practical challenges related to innovation in the digital economy, life science industries and the clean technology sector.

For nearly two decades, Professor de Beer has served as the co-director of the influential Open African Innovation Research Network (Open AIR), which he co-founded shortly after his arrival at uOttawa in 2004. Today Open AIR is a beacon of interdisciplinary international research, connecting dozens of researchers across African countries, Canada and elsewhere to scale up innovation by easing tensions between intellectual property and access to knowledge. Open AIR generates fresh intellectual, cultural, and social perspectives that are simultaneously influencing policy stakeholders globally while empowering grassroots communities in many parts of the world.

Professor de Beer is also a practicing lawyer and expert advisor who has argued 15 cases in the Supreme Court of Canada. His expertise has been sought by United Nations agencies and other international organizations, as well as Canadian and foreign government departments around the world to address policy challenges related to intellectual property law and reform.

Access and Benefit-Sharing (ABS): Overview and Government of Canada Approaches

Kate Davis

Senior Policy Advisor, Environment and Climate Change Canada

Day One 1:40 p.m.



Session Description

The presentation will provide a basic overview of the issue of access to genetic resources and benefit-sharing (ABS) under the Convention on Biological Diversity, and of Government of Canada approaches and outreach. The presentation will also introduce the newer ABS issue of benefit-sharing from 'Digital Sequence Information on Genetic Resources' (DSI), the outcome of recent DSI negotiations, and implications for Canada and Indigenous Peoples in Canada.

Biography

Kathryn (Kate) Davis is a Senior Policy Advisor in the International Biodiversity Policy team in the Canadian Wildlife Service of Environment and Climate Change Canada. Since 2019 she has led on access to genetic resources and benefit-sharing (ABS) issues and negotiations under the Convention on Biological Diversity and is currently ABS National Focal Point for Canada. Prior to her ABS role in ECCC, Kate was briefly the coordinator for the ATK Subcommittee of the Committee on the Status of Endangered Wildlife in Canada, supporting Indigenous experts in their considerations on appropriate integration of Indigenous Knowledge into the COSEWIC species status assessment process. Kate's ABS career began in 2001 at the Royal Botanic Gardens, Kew (United Kingdom), where she worked on practical CBD implementation with scientists, horticulturists and policymakers, co-authored the first plain-language user-friendly guide to the CBD and advised the UK government in the early stages of Nagoya Protocol negotiations. Kate moved to Canada in 2007 and as an ABS consultant and trainer for the next 12 years helped a range of clients to explore the ABS roles and responsibilities of ex situ collections (such as botanic gardens and natural history collections) and follow the negotiation and implementation of the Nagoya Protocol on ABS, working also with government partners in Ethiopia, Brazil, Mexico and the European Union. Kate was brought up in the US and UK, holds a BA (Hons) in Zoology from Oxford University and an MS in Zoology from Duke University, and has worked in a number of ex situ collections in the UK, US and Canada. How Canada is Protecting Indigenous Knowledge and Cultural Expressions through its IP system

Meika Ellis

Trademark Agent/Lawyer, Pillar IP, Inc.

Day Two 1:35 p.m.

Session Description



Biography

Meika a lawyer and trademark agent practicing on the unceded and unsurrendered territory of the Anishinaabe Algonquin Nation (Ottawa). She was trained in the area of intellectual property at a medium and large intellectual property law boutique. Her practice covers many areas of intellectual property law including: trademarks, copyright, Indigenous Knowledge and Cultural Expressions, domain name disputes, and emerging technology. She works on the prosecution side (protection), and on litigation matters (defence).

As a member of Gwich'in Fort McPherson Band, Meika is keenly aware of the gaps in Western IP for the protection of Indigenous Knowledge and Cultural Expressions. She continually looks for opportunities and people to collaborate with to find and understand ways to better serve Indigenous creators and communities, who/which are often not able to benefit as easily as others from the Western IP system.

Meika has successfully helped clients defend their rights before Ontario Small Claims Court, Federal Court, Federal Court of Appeal, and Supreme Court of Canada. She was listed in the fourth edition of The Best Lawyers: Ones to Watch in Canada, which recognizes the next generation of leaders who are shaping the legal profession in the country. She was also the recipient of the inaugural Roger T. Hughes Future Leader Award for her significant contributions to the Intellectual Property Institute of Canada's Indigenous IP Committee in 2021.

Recent developments at the Convention on Biological Diversity (CBD) related to the Global Multilateral Benefit Sharing Mechanism on Digital Sequence Information (DSI) and Cali Fund

Preston Hardison

Policy Advisor, Tebtebba Foundation

Day One 2:15 p.m.



Session Description

The CBD has now formally established the Cali Fund for the sharing of benefits for the commercialization of digital genetic sequences/digital sequence information. This presentation will touch on the key highlights of this process from the perspectives of Indigenous Peoples and local communities, gaps to be resolved (e.g. in relation to database governance and the Nagoya Protocol), and relevance to the WIPO Treaty on Genetic Resources and Associated Traditional Knowledge.

Biography

Preston Hardison has worked on Indigenous Peoples' rights issues at the Convention on Biological Diversity, the Nagoya Protocol and the WIPO Intergovernmental Committee for over 25 years. He organized a fact finding meeting in 1999 that contributed to the establishment of the IGC in 2001. He was co-lead negotiator for International Indigenous Forum on Biodiversity (IIFB) in recent decisions on digital sequence information (CBD) that lead to the establishment of the Cali Fund, a global benefit sharing mechanism for sequences of hereditary material.

Repositioning Intellectual Property Rights in Nigeria to Advance Indigenous and Local Communities' Interests: National Gaps and International Developments

Titilayo Adebola

Senior Lecturer in Law, University of Aberdeen

Day Two 11:25 a.m.

Session Description



Although Nigeria's Indigenous and local communities possess rich traditional knowledge systems and genetic resources, they rarely protect and commercialise these assets through intellectual property (IP) regimes. International instruments such as the Convention on Biological Diversity (CBD), Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation to the Convention on Biological Diversity (Nagoya Protocol), World Intellectual Property Organisation (WIPO) Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge (GRATK) and Riyadh Design Law Treaty (RDLT) present new opportunities for Nigeria to develop national IP regimes that advance indigenous and local communities' interests. However, effectively implementing the CBD, Nagoya Protocol, GRAK and RDLT requires a joined-up approach, involving (i) Multistakeholder Participation, including Government and Indigenous/Local Communities (ii) Training/Capacity Building (iii) Legal Reforms and (iv) Institutional Coordination. This session examines the gaps in Nigeria's current IP landscape through the lens of Indigenous and Local Communities and proposes contextually appropriate recommendations for the country, in line with international developments.

Biography

Dr. Titilayo Adebola is the Theme Coordinator for International Intellectual Property and Information Law and Director of the Centre for Commercial Law at the University of Aberdeen School of Law. Her current research and teaching interests are in Public International Law and International Economic Law, particularly Intellectual Property, Food/Agriculture and Technology. Dr. Adebola serves as the Chairperson of the Advisory Board of the African International Economic Law Network, Senior Advisor to the United Nations Special Rapporteur on the Right to Food, Founding Editor of Flora IP and Editor of Afronomicslaw.org. She also sits on the Editorial Boards of the Journal of International Economic Law and the Comparative and International Law Journal of Southern Africa. Dr. Adebola holds an LLM in International Economic Law and a PhD in Law from the University of Warwick. She is a Barrister and Solicitor of the Supreme Court of Nigeria and a Fellow of the Higher Education Academy in the United Kingdom.

Other Resource Persons



Regrets from Laine Fisher, Te Puni Kōkiri (Ministry for Māori Development)

Laine Fisher (Moriori, Kāi Tahu, Kāti Mamoe, Waitaha) – Laine is a policy professional from Aotearoa New Zealand. He is indigenous to Aotearoa New Zealand with his tribes largely being located in the South Island of Aotearoa New Zealand and its surrounding Southern islands. Laine leads work relating to mātauranga Māori (Māori traditional knowledge) in Te Puni Kōkiri (Ministry for Māori Development) in the New Zealand Government. Laine has a background in constitutional and regulatory policymaking leading work across a number of areas including justice, employment, and indigenous development.

Please contact the conference organizers to get in touch as Laine is happy to discuss the policy thinking in Aotearoa New Zealand around traditional knowledge and cultural expressions. He sends his regrets as a scheduling conflit prevented his participation in delivering a session on how the policy thinking is attempting to find ways that Māori, as Indigenous People, can maintain and use knowledge and cultural expressions, protect knowledge from misappropriation, and also use it in commercial settings. The session will look at how government and Indigenous Peoples' roles differ across different uses of knowledge.