



# Intellectual Property Issues in Cultural Heritage

*Theory • Practice • Policy • Ethics*

## **ABOUT THE IPinCH CASE STUDIES (May 2009)**

For close to 150 years, the **Inuvialuit** of the **Northwest Territories** have had little contact with hundreds of artifacts made and used by their ancestors. The 550 items, bought as a side-project by Hudson's Bay Company trader Roderick MacFarlane, became one of the founding collections of the Smithsonian Institute in Washington, D.C. Working with the community to reconnect elders and youth with those cultural items are Simon Fraser University researcher Dr. Natasha Lyons and partners, including the Inuvialuit Cultural Resource Centre, Parks Canada, the Smithsonian Institution's Arctic Studies Center, and the Prince of Wales Northern Heritage Centre. The project will allow elders an opportunity to study and record their knowledge of the items, including clothing, pipes, and tools.

Not all knowledge is created equal for the **Penobscot Indian Nation**, situated on **Indian Island, Maine**. Knowledge and information related to ancestral sites, sacred places, and places of cultural significance hold a special status within the Penobscot community. This culturally sensitive information has been impacted by even the most well-meaning archaeologists, planners, and government agencies working with the Nation. Dr. Martin Wobst and Julie Woods of the University of Massachusetts will collaborate with Tribal Historic Preservation Officer Bonnie Newsom and the Nation to identify issues it faces regarding intellectual property associated with the cultural landscape of the tribe. Results will include strategies for negotiations of agreements and protocols, cultural sensitivity workshops for non-tribal members, and a long-range stewardship and management plan for Penobscot cultural information.

**Moriori**, the Indigenous people of **Rekohu** (Chatham Islands, New Zealand) have developed a multi-layer database to tie together research on Moriori identity, cultural heritage protection, land use, and resource management in culturally sensitive ways. The Project, which will also be used to promote economic sustainability and inform land use decisions, is a response to making heritage and IP protection relevant, respectful and ethical for Moriori. Its vital element is the Indigenous structure, grounded in elder knowledge, that ensures the research methodology, ownership and uses are controlled and cared for by Moriori.

For the **Saginaw Chippewa Indian Tribe** of **Michigan**, *ezhibiigaadek asin* is a sacred place. Teachings from their Anishinabe ancestors are embedded in this rock art site that holds over 100 petroglyphs. Anishinabe cultural knowledge relates the importance of sharing aspects of these teachings. Yet concerns have arisen over what the Saginaw Chippewa consider to be inappropriate uses of the teachings, particularly in relation to commercialization of the images written on the stone. There is also concern that some of the petroglyphs are fading, and others have been vandalized. Dr. Sonya Atalay, who is Anishinabe-Ojibwe and an assistant professor at Indiana University, will collaborate with the Saginaw Chippewa's Ziibiwing Cultural Society to explore these issues, with the goal of creating a plan to protect and control the use of the *ezhibiigaadek asin* site.