

TK Protocols
Compiled by Preston Hardison
November, 2012

Non-Indigenous Protocols

Report: Task Force to Review Protocols for Native American Archival Materials. Society of American Archivists, Council Meeting, February 7 -10, 2008, Washington, DC. Prepared by Task Force members Frank Boles [Chair], David George-Shongo, and Christine Weideman. 140 pp.
www.archivists.org/governance/taskforces/0208-NativeAmProtocols-IIIA.pdf

Aboriginal Research Protocols: Healthy Aboriginal People in Healthy Communities (2006).
Alberta Mental Health Board Edmonton, Edmonton, Alberta, Canada. 11 pp.
www.amhb.ab.ca/Initiatives/aboriginal/Documents/AMHB_ARP_ResearchPro.pdf

1. Acknowledge grandparents; understand community, sensitivity, relationships, extended families
2. Benefits to community
3. Use appropriate, understandable terminology, language
3. Gather and respect elders
4. Learn cultural protocols
5. Respect beliefs
6. Mental health set in holistic framework
7. Community right to refuse research

Australian Indigenous Digital Collections: First Generation Issues (2008).
Nakata, Martin; Nakata, Vicky; Byrne, Alex; McKeough, Jill; Gardiner, Gabrielle; Gibson, Jay
University of Technology / Northern Territory Library / State Library of Queensland / State Library of New South Wales, Sydney, NSW, Australia
epress.lib.uts.edu.au/dspace/handle/2100/809

1. Digitization increasing: sustainability, interoperability, intelligibility (Web. 2.0 & 3.0)
2. Uncertainty in public access, appropriate public use, IPR, copyright; contested Indigenous intellectual property interests/public domain
3. Terri Janke: IP/Indigenous contrasts
material form / oral transmission
limited duration / cultural preservation
individual creation / collective or social creation
individual-corporate person / communal with guardians authorized to use and disseminate
fungible, assignment, alienable, universal / generally inalienable, and if so with cultural qualifications
individual can make decisions / customary law restrictions, particularly for secret and sacred
compartmentalization (tangible/intangible/TCEs) / holistic
economic rights emphasis / preservation & maintenance of culture
secular, genderless / secret and scared, gender restrictions

Mapping the Aboriginal and Torres Strait Islander Protocols for Libraries, Archives & Information Services (2008)
Nakata, Martin, Byrne, Alex, Nakata, Vicky, Gardiner, Gabrielle

asset0.aiatsis.gov.au:1801/webclient/StreamGate?folder_id=0&dvs=1255987935339~170

Aboriginal and Torres Strait Islander Library and Information Resources Network Protocols
www1.aiatsis.gov.au/atsilirn/protocols.atsilirn.asn.au/ATSILIRNprotocols.pdf

1. ATSI moral rights of ownership
2. ATSI perspectives, participation and governance of materials
3. Not prescriptive, complete, or promoting censorship
4. Values and perspectives of equal importance to colonial, balanced, comprehensive, inclusive collections; locally representative works
5. IPR: Proper indigenous authority to advise on research and curation; increase recognition of moral rights, cultural property rights, and IPRs: recognition currently of author, not source
6. Sensitivity and awareness training
7. Collective ownership: reproduction and public disclosure of sacred objects and knowledge; collective, community, family, individual ownership; originality barriers to protection; fixation (oral tradition) barriers
8. Moral right of attribution, Moral right of integrity: right to be identified as a traditional owner; right to object to derogatory action, distortion, mutilation; right to withdraw permission before or after publication.
9. Access: Appropriate access by indigenous communities, appropriate access by outsiders; privacy; confidentiality
10. Respectful indexing terminology; cultural identifiers and signifiers; national thesaurus - caveat of acceptable cataloguing; liaison with TK holders
11. Secret or sacred: consult, identify, liaison, protected facilities for storage/access; specific indigenous liaison; database of guidelines/methods for identifying and respecting. Acknowledge misappropriation or inappropriate publications of S&S: both to outsiders and insiders (e.g. uninitiated youth); reference groups nominated to monitor: **updated consultations lists (changing authorities); adequate documentation of rules and procedures for access (institutional memory)
12. Offensive material " Such materials may be racist, sexist, derogatory, abusive or offensively wrong"; appropriate handling (not censorship: awareness of issues and context before using)
13. Meaningful, effective, participatory governance, accommodating indigenous perspectives
14. Staffing, training, awareness
15. Repatriation of originals where clear misappropriation has occurred, copies of other material, curation without ownership; capacity building for community curation; accept denied permission to keep and repatriate without copying

Suggested Traditional Knowledge Research Protocol (DRAFT)

Bulkley Valley Research Centre, in Smithers, Northwest British Columbia, Canada
www.bvcentre.ca/files/policies_procedures/BVRC-TK-ProtocolMay2007.pdf

Ethical Guidelines for Aboriginal Women's Health Research

Prairie Women's Health Centre of Excellence / Saskatoon Aboriginal Women's Health Research Committee

University of Winnipeg - Prairie Women's Health Centre of Excellence, Winnipeg, Alberta, Canada
www.uwinnipeg.ca/admin/vh_external/pwhce/pdf/ethicalGuidelines.pdf

The Ethics of Research Involving Indigenous Peoples: Report of the Indigenous Peoples' Health Research Centre to the Interagency Advisory Panel on Research Ethics (2004)

Ermine, Willie; Sinclair, Raven; Jeffery, Bonnie
Indigenous Peoples' Health Research Centre, Saskatoon, SK, Canada
www.iphrc.ca/Upload/ethics_review_iphrc.pdf

Ethical Principles for the Conduct of Research in the North (2003)
Association of Canadian Universities for Northern Studies, Ottawa, Ontario
www.acuns.ca/EthicsEnglishmarch2003.pdf

Considerations and Templates for Ethical Research Practices (2007)

First Nations Centre, National Aboriginal Health Organization (NAHO), Ottawa, Ontario, Canada
www.naho.ca/firstnations/english/documents/toolkits/FNC_ConsiderationsandTemplatesInformationResource.pdf

1. Code of Research Ethics; Collaborative Research Agreement; Data-Sharing Protocol
2. Ownership, Control, Access, and Possession (OCAP) Framework
3. "spirit that research can be good . . . if done respectfully and appropriately"
4. research process; goals, objectives, methods, duration of research; terms of the partnership; confidentiality and privacy of collective and personal information; evaluation process; control and access to data, including data stewardship and analysis; dispute resolution; dissemination of information to stakeholders
5. Benefits: mutual trust, receptive environment for research, capacity development, beneficial projects, rich contextual information, community voice and capacity in policy, tribal employment and capacity building for decision making and self-employment, and autonomy, control and self-determination
6. Code of ethics: regulate research within communities; research management; protection of values, TK, rights; promote trust, respect, honesty; ensure informed consent; identify negotiation issues; identify procedures for permission; raise tribal awareness to OCAP; clarify obligations; interpretive context for agreements.
7. Collaborative research agreement: Co-written between researcher and community; in appropriate language(s); purpose, goals, duration, scope; expected outputs, products; risks and benefits; roles and responsibilities, obligations, commitments of parties; time commitments; honoraria; research methods and procedures; research capacity; method for obtaining informed consent; communication effectiveness; conflict resolution; confidentiality (personal, technical - data coding, storage, etc.); access to, restrictions on use, and ownership of data; community involvement in data analysis, dissemination and interpretation of research; financial and logistical responsibilities; contingency; right to withdraw
8. Data-Sharing Protocol: "fundamental principles and obligations that the research partners must adhere to when they collect, use, store and disclose individual or aggregate data;" individual records, aggregate data; clearly define data to be shared; define use; define information sharing mechanism; data ownership; restrictions and rules for publication and dissemination; data security and confidentiality; retention and disposition of information; intellectual property; duration and renewal; expiration or revocation of the agreement; signing authorities

Ethics Tool Kit (2007)

First Nations Centre, National Aboriginal Health Organization (NAHO), Ottawa, Ontario, Canada
www.naho.ca/firstnations/english/documents/toolkits/FNC_EthicsToolkit.pdf

OCAP: Ownership, Control, Access and Possession. Sanctioned by the First Nations Information Governance Committee (2007)

First Nations Centre, National Aboriginal Health Organization (NAHO), Ottawa, Ontario, Canada

www.research.utoronto.ca/ethics/pdf/human/nonspecific/OCAP%20principles.pdf

A Gathering for First Nations and Métis Women's Health in Northern Manitoba. November 29, 2005
University of Winnipeg - Prairie Women's Health Centre of Excellence, Winnipeg, Alberta, Canada
www.uwinnipeg.ca/admin/vh_external/pwhce/pdf/GatherinFirstNations.pdf

Guidelines for Indigenous Ecological Knowledge Management (including archiving and repatriation). A report commissioned by the Natural Resources Management Board (NT) (2009)
Holcombe, Sarah in collaboration with Jumbunna Indigenous House of Learning (Michael Davis) and Terri Janke and Company Pty Ltd
Natural Resource Management Board (NT) Inc. Darwin, NT, Australia
www.nrmbnt.org.au/files/iek/IEK%20&%20NR%20in%20the%20NT%20Guidelines%20for%20IEK%20Management.pdf

General Guidelines and Protocols for Filming within Iwi (Tribal) Boundaries
Ngā Aho Whakaari, Newton, Auckland, New Zealand
www.filmqueenstown.com/documents/iwifilmguidelines.pdf

A Guideline for Filming within the rohe of Ngai Tahu
Ngā Aho Whakaari, Newton, Auckland, New Zealand
www.filmqueenstown.com/documents/ngaitahuprotocols.pdf

Protocols for Cultural and Intellectual Property Rights of Iwi
Hirini Melbourne
www.maoriart.org.nz/features/articles/protocols_discussion

Intellectual Property and Safeguarding Cultural Heritage: A Survey of Practices and Protocols in the South Pacific. Prepared for the World Intellectual Property Organization (WIPO)
Talakai, Malia
www.wipo.int/export/sites/www/tk/en/folklore/culturalheritage/casestudies/talakai_report.pdf

FATSIL Guide to Community Protocols for Indigenous Language Projects (2004)
Federation of Aboriginal and Torres Strait Islander Languages, Melbourne, Victoria, Australia
www.wipo.int/export/sites/www/tk/en/folklore/creative_heritage/docs/fatsil_protocol_guide.pdf

Negotiating Research Relationships with Inuit Communities: A Guide for Researchers (2007)
Inuit Tapiriit Kanatami / Nunavut Research Institute
depts.washington.edu/ccph/pdf_files/ResearchRelationships.pdf

**Guidelines for Incorporating Traditional Knowledge in Environmental Impact Assessment
Mackenzie Valley Environmental Impact Review Board, Yellowknife, NWT, Canada
www.mveirb.nt.ca/upload/ref_library/1247177561_MVReviewBoard_Traditional_Knowledge_Guidelines.pdf**

1. Where the sensitivity of the information is a concern, the Review Board is willing to accept: a) Presentations of traditional knowledge with site specific information omitted; or b) A summary of a traditional knowledge study's conclusions, that explains the way the information was collected and the

solutions derived to mitigate impacts; or c) A Request for Ruling to file the traditional knowledge under confidential cover. (However: Burden of proof to demonstrate harm: public access)

2. Respects the context in which the traditional knowledge holder originally provided it.
3. Cultivate relationships: Determine the community protocols and expectations. Determine how prior informed consent will be obtained.
4. Preliminary screening

Model Tribal Research Code, with Materials for Tribal Research and Checklist for Indian Health Boards. 3rd ed. (1999)

American Indian Law Center Inc., Albuquerque, New Mexico.

www.ihs.gov/medicalprograms/research/pdf_files/mdl-code.pdf

Tribal Research Assessment Checklist (TRAC)(2005)

Northern Plains Tribal Epidemiology Center, The University of Arizona, Tucson, Arizona

www.nptao.arizona.edu/research/NPTAOResearchProtocolsWebPage/NPTAO_Research_OtherResources.doc/NorthernPlains/NorthernPlainsResearchChecklist.pdf

1. Understanding research: Purpose, need, Benefits; data collection; participants and identification; informed consent, recruitment procedures; risk; data analysis; reporting; compensation (benefit sharing)
2. Specimen connection: conflicts with community values? Appropriate data collection; privacy, anonymity, confidentiality
3. Informed consent: sufficient time, sufficient information, who conducts, conducted appropriately, comprehension
4. Risks: physical harms; internal psychological harm (self-respect; social stigmatization); external psychological harm (stigmatism; discrimination)
5. Benefits: funding, training, mobilization, pride, services, self-respect, useful
6. Specimens: manner of collection, storage, secondary use, assurances of compliance, institutional memory

Indigenous Protocols

Akwesasne Good Mind Research Protocol /Protocol for the Review of Environmental and Research Proposals

Akwesasne Task Force on the Environment

Akwesasne Notes, v.2 (1) Winter 1996

www.mcmaster.ca/ors/ethics/download/akwesasne.pdf

1. skennen : peace - spiritual, political and social foundations of peace; kariiwio: good word - shared, unselfish collective intentions, without prejudice or privilege, for benefit of all life; kasastensera: strength - using the good mind towards peace, justice, harmony and preventing abuse of humans and Mother Earth.
2. Leads to respect, equity, empowerment, working towards sharing, integrity, justice
3. Relationships, non-exploitation, sensitivity
4. Describe community benefits; risks; how data and research to be used; methods for repairing harms; how data to be shared with community and outside community
5. How equity, benefit sharing, empowerment

6. Requires submission of reports to Council before publication
7. Any modification requires revisiting terms and conditions
8. Grievance procedures: reserved rights to withdraw consent for release of harmful information, deny further research (in Akwesasne community), withdraw project approval: required to explain to researcher

Cultural and Intellectual Property Rights Policy
 Sealaska Heritage Institute, Juneau, Alaska, USA
www.wipo.int/export/sites/www/tk/en/folklore/creative_heritage/docs/sealaska_cultural_policy.pdf

Deh Cho First Nation Traditional Knowledge Research Protocol (2004)
 Deh Cho First Nation, Fort Simpson, NWT, Canada
www.mveirb.nt.ca/upload/ref_library/DCFN%20TK%20research%20protocol.pdf

Dehcho Land Use Planning Board Traditional Knowledge Policy (2003)
 Deh Cho First Nation, Fort Simpson, NWT, Canada
www.mveirb.nt.ca/upload/ref_library/Dehcho_tk_policy.pdf

Ganono'se'n e yo'gwilode' / One Who is Full of Our Traditional Knowledge: Ethical Guidelines for Aboriginal Research: Elders and Healers Roundtable. A Report by the Indigenous Health Research Development Program to the Interagency Advisory Panel on Research Ethics (2005)
 Dawn Martin-Hill, Danielle Soucy MA.
 McMaster University - Indigenous Health Research Development Program
www.mcmaster.ca/ors/ethics/download/Ethical%20Guidelines%20for%20Aboriginal%20Research-Final%20Report-2005.pdf

Intertribal Health Authority Research Protocol (2005)
 Intertribal Health Authority, Nanaimo, British Columbia, Canada
www.turtleisland.org/healing/itharesearch.pdf

**Principles and Guidelines for Researchers Conducting Research With and/or Among Mi'kmaq People
 Mi'kmaw Grand Council/ Mi'kmaq College Institute - Mi'kmaq Ethics Watch, Sydney, Nova Scotia**
www.stfx.ca/Research/rgo/Documents/Mi'kmaqEthicsProcedures1.doc

1. Mi'kmaw guardian and interpreters of their culture; knowledge, culture, arts inextricably linked to lands and territories
2. "Mi'kmaw people have the right and obligation to exercise control to protect their cultural and intellectual properties and knowledge."
3. Collectively owned, discovered, used, and taught and collectively guarded
4. Each community with own authority, requiring local negotiation
5. Many different traditional owners (individuals, families, clans, associations, society) with own customary laws and protocols
6. All research partnerships reviewed by Mi'kmaw Ethics Watch, that holds delegated authority from the Grand Council
7. All research belongs to the Mi'kmaw
8. Protocols: All negotiated partnerships; all members equal respect for tribal standards, traditions, language; researcher obligations to learn and respect protocols and adhere to highest standards

9. Duty to disclose sponsors, purpose, intended results in good faith (PIC), without coercion; agreements in both languages; right to decline or withdraw
10. Recording: disclosure in tribal language, recording methods and technology, risks to anonymity, privacy or confidentiality, and rights to decline or withdraw; potential risks and benefits
11. Milestone requirements: requirements to inform community and participants at stages
12. Community skilling, training, education
13. Mi'kmaw review and interpretation of results; empowering indigenous voice and skills
14. Duties of Obligations for Mi'kmaw Ethics Watch (intermediary organization): Duty to derive review ethic principles, standards, protocols, practices of research from the community; communities decide representatives and scope of authority of MEW members.
15. Generally prohibited from human (including HGDP) and non-human genetics, " or considered only as to its benefits to the Mi'kmaw people".
16. Duty to conform to customary law, and impose sanctions, disciplinary actions

Protocol for Research, Publications and Recordings: Motion, Visual, Sound, Multimedia and other Mechanical Devices

The Hopi Tribe - Hopi Cultural Preservation Office (HCPO), Kykotsmovi, Arizona
www.nau.edu/~hcpo-p/hcpo/index.html

1. Intent and benefits
2. Potential risks
3. Informed consent
4. Privacy
5. Confidentiality
6. Recording devices/disposition of recordings
7. Fair benefit sharing / Preference for employment: IPR compensation, monetary, non-monetary, authorship, acknowledgement
8. Right of review and censorship (including violation of customary laws)
9. Ownership: fees, right to deny permit, deposit of raw materials and products with tribally designated repository

Protocols & Principles for Conducting Research in a Nuu-Chah-Nulth Context (2008)

Nuu-chah-nulth Tribal Council - Research Ethics Committee

www.nearbc.ca/documents/2009/NTC-Protocols-and-Principles.pdf

1. Recognition that research can work for and against
2. Nuu-chah-nulth Research Ethics Committee, including issues involving multiple communities
3. Protocols based on Principle of Protection: tribal control, respect for participant goals and aspirations, right to refuse to participate
4. Protocols differ among communities: researcher duty to discover; includes community contracts
5. Clear purpose, statement of benefits, statement of risks; no deception; minimal disruption; distribution of results to community in a useful form
6. Ownership of data indicated, and Tribe retains partial ownership, and cannot be excluded from use
7. Plan for disposition of data
8. Ethics: respect for persons, respect for personal ability to make decisions; duty to protect; duty of beneficence to secure well-being
9. Do no harm

10. Justice in distribution of benefits and burdens; all should share in the benefits, not only to the wealthy

Rights and Permissions Policy (2004)

Sealaska Heritage Institute, Juneau, Alaska, USA

www.wipo.int/export/sites/www/tk/en/folklore/creative_heritage/docs/sealaska_rights_policy.pdf

Six Nations Council Research Ethics Committee Protocol

Six Nations of the Grand River, Ohsweken, Ontario, Canada

www.sixnations.ca/admResearchEthicsProtocol.pdf

1. Researcher assumes liability
2. Policy for Conducting Ethical Research
3. Participation; Well-being of participations; relationships required info to be submitted to community for deciding on the project
4. Data recording & storage; compliance with Public Access legislation; specify who will access
5. SNGR owns data

Template Traditional Knowledge Protocol (2005)

Kaska First Nation

www.fntc.info/files/FNTC%20Strategic%20Plan/Traditional%20Knowledge%20Protocol%20Template.doc

1. Contractual: Requires applicant to make a good faith recognition of aboriginal "rights to ownership, protection and custody of their Traditional Knowledge"
2. Sets up an elders committee to review, with approval authority vested in the Chief and Council
3. Acknowledgement of: Prior rights, inalienability; self-determination; guardianship of territory and TK; full disclosure; active tribal participation; PIC; confidentiality; TK research capacity building on tribe; non-derogation of tribal rights
4. Purpose: to document, ensuring continuity of TK; common understanding, integrate TK into Tribal development
5. Requires documentation of process for protocol and decisions of Traditional Knowledge Oversight Committee
6. Project Phases
7. Applicant responsibility: respect the privacy, dignity, cultures, practices, traditions; respect FN ownership; anonymity; without PIC: not allow third parties access to TK beyond confines of the project; excludes cosmetic and medicinal plants; prohibited from claiming rights to sell cosmetic or medicinal plants obtained from TK project;
8. If sacred site encountered: inform FN, avoid disturbing or entering; confidentiality
9. PIC: Must obtain PIC; recognize collective ownership of TK; not attempt to acquire TK beyond agreement, and not approach anyone for TK beyond authorization; must explain C&Bs to tribal members; ongoing consultation requirements with FN authorities, and FN right to withdraw consent
10. Benefit sharing: multiple forms - training, training materials, equipment, contribution to FN cultural development and FN projects; videos; remuneration; honoraria
11. Mutual benefits: inc. protection and preservation of TK
12. Confidentiality: All rights reserved, unless authorized (***)pdh: issue of who makes decision of whether TK is already public available or not: need for clarity)

13. FN Ownership - applicant has no IPRs in TK.
14. Process: committee and communication strategy
15. Dispute resolution: first, 1 week of internal arbitration, then to 3rd party arbitration
16. Term, expiry, amendment: Confidentiality and Ownership survive termination of agreement

Working with Gwich'in Traditional Knowledge in the Gwich'in Settlement Region / Gwich'in Traditional Knowledge Policy (2004)

Gwich'in Tribal Council, Tsiigehtchic, NT, Canada

www.grrb.nt.ca/pdf/GTCTKPolicy.pdf

Unsorted

Janke, Terri with Holcombe, Sarah; Davis, Michael (2009). Report on the Current Status of Indigenous Intellectual Property. Natural Resource Management Board (NT), Darwin, Northern Territory, Australia. 198 pp.

www.nrmbnt.org.au/files/iek/IEK%20&%20NR%20in%20the%20NT%20Report%20on%20the%20Current%20Status%20of%20Indigenous%20IP.pdf

Holcombe, Sarah with Jumbunna Indigenous House of Learning (Davis, Michael), Terri Janke and Company Pty Ltd. Natural Resource Management Board (NT), Darwin, Northern Territory, Australia. www.nrmbnt.org.au/files/iek/IEK%20&%20NR%20in%20the%20NT%20Guidelines%20for%20IEK%20Management.pdf

Laird, Sarah Adams; Wynberg, Rachel P.; McLain, Rebecca J. (2009). Wild Product Governance: Laws and Policies for Sustainable and Equitable Non-Timber Forest Product Use. United Nations University / Centre for International Forestry Research / People and Plants International / Environmental Evaluation Unit, University of Cape Town / Institute for Culture and Ecology. United Nations University - Institute for Advanced Studies (UNU/IAS) - Traditional Knowledge Initiative, Yokohama, Japan. 14 pp. www.unutki.org/downloads/File/Publications/Policy_Brief_Wild_Product_Governance_Oct_09_reduced.pdf

Janke, Terri (2007). Media arts: Protocols for Producing Indigenous Australian Media Arts. 2nd. ed. Australia Council for the Arts, Surry Hills, New South Wales, Australia. 48 pp.

www.australiacouncil.gov.au/__data/assets/pdf_file/0003/32358/Media_arts_protocol_guide.pdf

Australia Council for the Arts (2007). Music: Protocols for Producing Indigenous Australian Music. 2nd. ed. Australia Council for the Arts, Surry Hills, New South Wales, Australia. 56 pp.

www.australiacouncil.gov.au/__data/assets/pdf_file/0003/32367/Music_protocol_guide.pdf

Australia Council for the Arts (2007). Performing Arts: Protocols for Producing Indigenous Australian Performing Arts. 2nd. ed. Australia Council for the Arts, Surry Hills, New South Wales, Australia. 72 pp.

www.australiacouncil.gov.au/__data/assets/pdf_file/0016/32353/Performing_arts_protocol_guide.pdf

Janke, Terri (2007). Visual Arts: Protocols for Producing Indigenous Australian Visual Arts. 2nd. ed.

Australia Council for the Arts, Surry Hills, New South Wales, Australia. 48 pp.
www.australiacouncil.gov.au/__data/assets/pdf_file/0004/32368/Visual_arts_protocol_guide.pdf

Janke, Terri (2007). Writing: Protocols for Producing Indigenous Australian Writing. 2nd. ed. Australia Council for the Arts, Surry Hills, New South Wales, Australia. 48 pp.
www.australiacouncil.gov.au/__data/assets/pdf_file/0018/32373/Writing_protocol_guide.pdf

Welcome to Country and Acknowledgment of Country (2008)
Queensland Studies Authority, Brisbane, Queensland, Australia
www.qsa.qld.edu.au/downloads/learning/indigenous_p001_0802.pdf

1. "Recognising Aboriginal people and Torres Strait Islander people as traditional custodians of the land is an important part of showing respect for the Indigenous peoples of Australia."
2. [interpretation by pdh]: ABS agreement require specific welcoming and acknowledgement ceremonies. These ceremonies are not just pageantry: they set the conditions and obligations for entering and working on indigenous territories, and generally involve spiritual dimensions.
3. Allow owners to invite, and thank the traditional owners of the land.

Sharing Knowledge about Sacred Sites and Ceremonies (2008)
Queensland Studies Authority, Brisbane, Queensland, Australia
www.qsa.qld.edu.au/downloads/learning/indigenous_p002_0802.pdf

1. In educational setting, information should be very general about sites and ceremonies
2. Preferable for indigenous person to present
3. Protocols for visiting sites (generally discouraged) should be revisited, as communities disagree and may revise protocols frequently

Guidelines for Ethical Research in Indigenous Studies (2000)
Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, ACT, Australia
www.aiatsis.gov.au/research/ethical.html

1. Consultation, negotiation, PIC
2. Ongoing and continuing obligations
3. Mutual understanding
5. Respect for protocols, IKS; indigenous processes
6. Preserve and respect IP and CP rights
7. Involve IPs
8. Agree on access to and use of research
9. Community should benefit community and respond to community needs
10. Formal agreement, good faith, PIC

Indigenous Research Protection Act (n.d.)
Indigenous Peoples Council on Biocolonialism, Nixon, Nevada, USA
www.ipcb.org/publications/policy/files/irpa.html

1. Ensure research in a framework of mutual respect, equity, and empowerment
2. Reduce adverse impacts, ensure tribal ownership and control over research data (traditional indigenous intellectual property); right to review research; right to deny research

3. ". . . traditional knowledge rights arises when individuals either own or are the custodians of specialized (or usually taboo/sacred) knowledge and its communication."
4. Research review committee
5. Fully informed consent after full disclosure and consultation; disclosure of risks and benefits
6. Confidentiality
7. Negotiations in local language
8. Empowerment: fair and equitable, shared authorship
9. Prior rights, inalienability, self-determination
10. Traditional guardianship
11. Time frame for proper consideration
12. Statement of problem, risks (psychological, social, economic, spiritual), benefits to tribes
13. Method of data collection, confidentiality: aggregated data, partner privacy
14. Disposition of data and samples
15. Funding: declaration of source, community training (cultural sensitivity training)
16. Consent: PIC from all
17. IPR: Owned by tribes, requires formal statement of non-commercial/commercial intent and benefit sharing arrangement
18. Modifications: require revisiting (changes to methods, goals, etc.)
19. Biological materials: no transfer to third parties, right to demand return, return upon demand, completion, termination; ex situ storage requires safeguards for control
20. Reservations and terminations
21. Prohibited Conduct
22. Penalties

NAILSMA Research Guidelines and Protocols (2007)

North Australian Indigenous Land and Sea Management Alliance, Charles Darwin University, Darwin, NT, Australia

www.nailsma.org.au/nailsma/downloads/NAILSMA_Guidelines_Jun07.pdf

Key Elements to the Initiation, Performance and Maintenance of Good Faith Consultations and Negotiations with Indigenous and Tribal Peoples and Communities (2008)

Forest Peoples Programme, Moreton-in-Marsh, United Kingdom

www.forestpeoples.org/documents/law_hr/fpp_key_elements_good_faith_dec08_eng.pdf

Tl'azt'en Guidelines for Conducting Research within Tl'azt'en Traditional Territory

Tl'azt'en Nation, Stuart Lake, British Columbia, Canada

Appendix 1

www.unbc.ca/assets/cdi/publications/unbc_tlazten_cura_cdi_publication_apr_2009.pdf

Sacred Ways of Life: Traditional Knowledge. Prepared For The First Nations Centre (2005)

National Aboriginal Health Organization (NAHO), Ottawa, Ontario, Canada

www.naho.ca/firstnations/english/documents/FNC-TraditionalKnowledgeToolkit-Eng.pdf

Código de Ética Médica / The Yurayaco Declaration of the Union de Medicos Indigenas Yageceros de la Amazonia Colombiana (UMIYAC) (1999)

Unión de Médicos Indígenas Yageceros de la Amazonía Colombiana(UMIYAC), Yurayaco, Colombia
nasdat.com/index.php?topic=1457.0;wap2
www.ayahuasca.com/?p=42

Contracts Database
www.wipo.int/tk/en/databases/contracts/

IIRR (1996). Recording and Using Indigenous Knowledge: A Manual. Silang, Philippines. 211 pp.
nzdl.sadl.uleth.ca/cgi-bin/library?e=d-00000-00---off-0cdl--00-0----0-10-0---0---0direct-10---4-----stt--0-1l--11-en-50---20-about-Recording+and+using+indigenous--00-0-1-00-0-0-11-0-0utfZz-8-10&cl=search&d=HASH4e8d719444cc22d4187522>=1

Brascoupé, Simon; Mann, Howard (2001). A Community Guide to Protecting Indigenous Knowledge. Department of Indian Affairs and Northern Development - Research and Analysis Directorate, Ottawa, Ontario, Canada.
dsp-psd.pwgsc.gc.ca/Collection/R2-160-2001E.pdf

Our Wildlife - Traditional Knowledge Research Guidelines
West Kitikmeot / Slave Study Society
www.enr.gov.nt.ca/_live/pages/wpPages/WKSS_TK_Research_Guidelines.aspx
www.enr.gov.nt.ca/_live/pages/wpPages/Our_wildlife_Publications.aspx

WIPO International Bureau (2001). Information Provided by Members of the Standing Committee on the Law of Patents (SCP) Concerning the Definition of Prior Art: Brief Summary. Standing Committee on the Law of Patents, Sixth Session, Geneva, November 5 to 9, 2001. SCP/6/INF/2
www.wipo.int/edocs/mdocs/scp/en/scp_6/scp_6_inf_2.doc

Park, Jinseok (n.d.). Evolution of Industry Knowledge in the Public Domain: Prior Art Searching for Software Patents. ScriptEd.
www.law.ed.ac.uk/ahrc/script-ed/vol2-1/park.asp
List of widely used patent search engines.

ICT Regulation Toolkit: Module 2: Competition and Price Regulation - 2.3.4 Advantages and Disadvantages of Ex Ante versus Ex Post Regulation
infoDev / International Telecommunication Union (ITU)
<http://www.ictregulationtoolkit.org/en/Section.1677.html>

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Sixth Ordinary Meeting of the Conference of the Parties to the Convention on Biological Diversity
The Hague, Netherlands (7 - 19 April 2002)
Decision VI/24. C. Role of intellectual property rights in the implementation of access and benefit-sharing arrangements

Requests the Executive Secretary, with the help of other international and intergovernmental organizations such as the World Intellectual Property Organization and through the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention, where appropriate, to undertake further information gathering and analysis with regard to:

Impact of intellectual property regimes on access to and use of genetic resources and scientific research;
Role of customary laws and practices in relation to the protection of genetic resources and traditional knowledge, innovations and practices, and their relationship with intellectual property rights;
Consistency and applicability of requirements for disclosure of country of origin and prior informed consent in the context of international legal obligations;

Efficacy of country of origin and prior informed consent disclosures in assisting the examination of intellectual property rights applications and the re-examination of intellectual property rights granted;
Efficacy of country of origin and prior informed consent disclosures in monitoring compliance with access provisions;

Feasibility of an internationally recognized certificate of origin system as evidence of prior informed consent and mutually agreed terms; and

Role of oral evidence of prior art in the examination, granting and maintenance of intellectual property rights;

Invites the World Intellectual Property Organization to prepare a technical study, and to report its findings to the Conference of the Parties at its seventh meeting, on methods consistent with obligations in treaties administered by the World Intellectual Property Organization for requiring the disclosure within patent applications of, inter alia:

Genetic resources utilized in the development of the claimed inventions;
The country of origin of genetic resources utilized in the claimed inventions;

Associated traditional knowledge, innovations and practices utilized in the development of the claimed inventions;

The source of associated traditional knowledge, innovations and practices; and

Evidence of prior informed consent;

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