



## BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

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### BCAFN SPECIAL CHIEFS ASSEMBLY

Resolution 06/2020

Vancouver Island Conference Centre, 101 Gordon St., Nanaimo, BC

March 4 & 5, 2020

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**SUBJECT:** SUPPORT FOR INDIGENOUS INTELLECTUAL PROPERTY LEGISLATION

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**MOVED BY:** CHIEF HARVEY MCLEOD, UPPER NICOLA INDIAN BAND

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**SECONDED BY:** KUKPI7 RON IGNACE, SKEETCHESN

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**DECISION:** CARRIED

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### WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples (The Declaration) states:

- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*
- ii. Article 11 (1): Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.*
- iii. Article 12 (1): Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.*
- iv. Article 13 (1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.*

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Certified copy of a resolution adopted on the 4<sup>th</sup> day of March 2020, at the Vancouver Island Conference Centre, Snuneymuxw, Nanaimo, BC

A blue ink signature of Terry Teegee, BC Regional Chief.

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Terry Teegee, BC Regional Chief

*v. Article 31 (1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.*

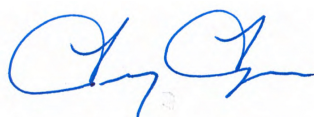
- B. Intellectual property legislation in Canada and BC does not include sufficient, specific measures to protect Indigenous traditional knowledge, stories, traditions, customs, handicrafts, ceremonies and other ways of being;
- C. Intellectual property legislation has the potential to protect the aforementioned intellectual property matters from exploitation by non-Indigenous peoples, and give BC First Nations jurisdiction over how and if they wish to use their knowledge as an economic development lever (e.g. tourism);
- D. A clear process for dispute resolution for inter- and intra-nation conflicts regarding intellectual property matters is needed to ensure fair outcomes for those involved, while incurring minimal damages to relationships;
- E. In 2018, the Minister of Innovation, Science and Economic Development Canada announced the Intellectual Property Strategy as part of Canada's Innovation and Skills Plan. The strategy intends to make Canada's intellectual Property system more inclusive and reflective of the needs and interests of Indigenous peoples; and
- F. Current Intellectual property laws, policies and/or strategies fall short of adequate protections for First Nations. The existing protections for intellectual property rights do not recognize First Nations customary laws, cultural protections and traditional knowledge. Indigenous Intellectual Property Rights and protection of Indigenous Knowledge must include adequate legal protections for traditional knowledge, cultural expressions, and genetic resources.

**THEREFORE BE IT RESOLVED THAT:**

- 1. The BCAFN Chiefs-in-Assembly call on the Regional Chief to support and engage with the provincial and federal governments and other appropriate parties to further the development of intellectual property legislation that is specific to Indigenous intellectual property matters; and
- 2. The BCAFN Chiefs-in-Assembly direct BCAFN staff and AFN to develop materials (e.g. discussion papers) for use by First Nations to understand the intellectual property landscape and Indigenous intellectual property issues in BC and Canada.

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**Terry Teegee, BC Regional Chief**