

# Differences between intellectual property protection and TCEs and TK

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# Outline

- Background of Australia Council as an Australian Government agency for arts funding
- Dedicated Indigenous department with an Indigenous strategy panel
- Strategic plan of Australia Council for the Arts
- Goal 4: Australians cherish Aboriginal and Torres Strait Islander arts and culture
- Indigenous art protocols
- Indigenous four year funded organisations
- National Indigenous arts and cultural authority
- Inauthentic Aboriginal and Torres Strait Islander art campaign
- Differences: subject matter, term of protection, intergenerational passing on of knowledge, collective rights & exceptions and limitations
- Conclusion

# Indigenous art protocols

- Indigenous cultural intellectual property includes stories, songs, dances, sacred sites, languages, ancestral remains, land management, ecological and medicinal knowledge
- Indigenous arts protocols: music, writing, visual arts, media arts, & performing arts
- 9 principles for respecting TCEs and TK

# Four Year Funded organisations

- Desart
- Association of Northern, Kimberley and Arnhem Artists (ANKAA)
- Umi Arts
- Cairns Indigenous Art Fair
- Blakdance
- Tandanya
- Kimberley Aboriginal law and culture centre (KALACC)
- Central Australian Aboriginal media association (CAAMA)
- Tjanpi desert weavers
- Gadigal Information services
- Wilurrara Creative
- Magabala books
- IAD Press
- Moogahlin Performing Arts, Illbjerri Theatre, & Yirri Yakin theatre

# Culture



# National Indigenous Art and Cultural Authority

- Cultural Custodians
- Governance
- Representation
- Membership
- Scope of activities
- Consultation in 2017 and more consultation with the Indigenous arts sector in late 2018
- National Indigenous arts and cultural meeting in early 2019



# Inauthentic Aboriginal and Torres Strait Islander arts campaign



# Differences in TCEs and TK protection vs existing intellectual property protection

- Subject matter and originality
- Term of protection
- Intergenerational passing on of knowledge
- Collective rights
- Exceptions and limitations



# Intergenerational passing on of cultural knowledge



# Conclusion

- Recognise the importance of protocols to assist in drafting the TCEs instrument
- Work with Indigenous communities to gain an understanding of customary laws
- Look to practices of Indigenous arts sectors in countries where there are protocols
- Support more Indigenous representatives and artists to attend the IGC
- 2019 UNESCO Year of Indigenous languages





# KEEPING CULTURE STRONG



# Thank you

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