



Protection of our intellectual property

A Sámi perspective



Example Cases from Sápmi

- ▶ Appropriation of Sámi Cultural Expressions
 - ▶ Disney's Frozen
 - ▶ BeChristensen's trademark "Samer"
- ▶ Doing research on Sámi Indigenous Knowledge without collective consent
 - ▶ BuSK: Building Shared Knowledge capital to support natural resource governance in the Northern periphery
 - ▶ ISAMA: Integrative Science for Adaptive Co-Management in the Arctic: Teno Atlantic Salmon as a Model System



Introduction



- ▶ Focus of this presentation is on **collectively owned** intellectual property
 - ▶ Cultural expressions
 - ▶ Ecological knowledge
- ▶ The term traditional knowledge is being discarded
 - ▶ The Indigenous Peoples' Permanent Participant organisations of the Arctic Council have adopted the use of the term **indigenous knowledge**
 - ▶ **Our knowledge systems are dynamic**

The animation movie Frozen by Disney

- Disney made a lot of money with a film inspired by Sámi culture
- Questions raised:
 - What parts of culture can be used and how?
 - Who can give the permission to use cultural expressions?
 - Benefit-sharing?
- **Argument:** Terms should be agreed with the appropriate representative institution regarding the use of cultural symbols



BeChristensen trademark “Samer”


- ▶ They have a trademark on our name: “The Sámi people”
- ▶ They sell traditional Sámi designs
- ▶ A Danish company gets the benefits
- ▶ **Arguments:**
 - ▶ We the Sámi own our traditional designs and our name!!!
 - ▶ It should not be possible for a Danish company to trademark and sell our intellectual property as their own

The screenshot displays the BeChristensen Jewellery website. At the top, the logo features a stylized 'Be' in a circle above the text 'BeChristensen JEWELLERY'. A black navigation bar contains links for 'SHOP', 'SPECIAL OFFER', 'GIFT CARDS', 'RETAIL PARTNERS', 'CONTACT US', and 'BECOME A DEALER'. Below this, the 'Samer Collection' is featured with a filter bar including 'Featured', 'Color', 'Size', and 'Type' dropdowns, and a '1 of 5' indicator. Three jewelry items are shown: 'Inga Facet Silver Beads Black' (1.075 kr), 'Kajsa Fur Silver Beads' (345 kr, marked with a 'SALE' badge and a crossed-out price of 695 kr), and 'Kajsa Fur Crystal Beads' (345 kr, also marked with a 'SALE' badge and a crossed-out price of 695 kr).



Research projects on Sámi indigenous knowledge

Well-meaning projects with ethical drawbacks



Building Shared Knowledge capital to support natural resource governance in the Northern periphery (BuSK)

- ▶ A research project, which develops planning tools that enhance the use of participatory techniques, and gives assistance for decision makers concerning land use planning and natural resource governance.
- ▶ One of the tools used was an open web-survey to gather local and indigenous knowledge on the use of Giehtaruohtas (Käsivarsi) area in Finland
- ▶ Individuals might release sensitive geographical knowledge: important hunting, gathering, fishing places, sacred places...



Integrative Science for Adaptive Co-Management in the Arctic: Teno Atlantic Salmon as a Model System (ISAMA)

- ▶ The ISAMA project brings together three research groups that have each been investigating different aspects of natural resource management: population dynamics, evolutionary genetics, fisheries science and environmental sociology, with a view to integrating these research approaches
- ▶ Interviews with Sámi fishers to gather their knowledge on salmon and the river



Argument

It is not within the mandate of a research group to decide what knowledge should become publicly available, or how that knowledge is used in governance.

The Sámi need to collectively decide that.



Article 7 of the Nagoya protocol

In accordance with domestic law, each Party shall take measures, as appropriate, with the aim of ensuring that traditional knowledge associated with genetic resources that is held by indigenous and local communities is accessed with the prior and informed consent or approval and involvement of these indigenous and local communities, and that **mutually agreed terms** have been established.



Steps forward

- ▶ Toolkit for promotion and protection of indigenous cultural products – Handicrafts in a cultural and commercial context
 - ▶ To ensure culturally sustainable use, protection of indigenous cultural heritage, support of rural industries, increased economic independence, promotion of gender equality, and strengthening of benefit sharing models.
- ▶ Duodji-trademark
 - ▶ A trademark to protect authentic Sámi *duodji* (handicrafts)
 - ▶ Pre-project outcomes: Need for at least two separate trademarks, one for the protection of “traditional duodji” and one for “product made by Sámi”
- ▶ Need for local/regional/national(/"pan-national") bodies to decide over the terms on the use/release of indigenous knowledge and traditional cultural expressions. Need to secure their right to make these decisions.