

Ridout & Maybee LLP

CANADA'S INTELLECTUAL PROPERTY AND TECHNOLOGY LAW FIRM

Bright minds
protecting
bright ideas
since 1893



**Are there any Western IP
Rights in an Indigenous
Art or Cultural Expression?**

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Case Study 1: Cowichan Sweater Dispute



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- Collective ownership of an Indigenous practice will not be protected by IP rights, unless the collective is a legal entity

Case Study 2: Inuit Family Parka

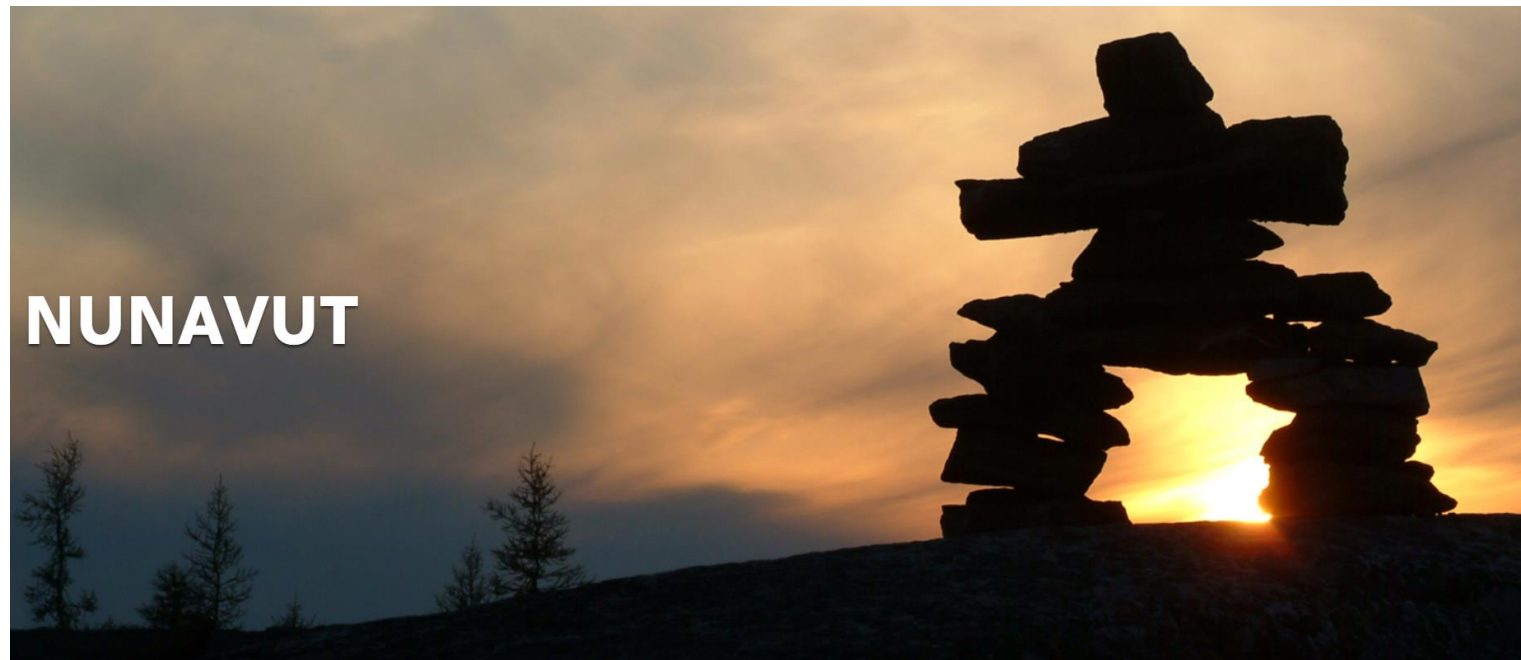


<https://www.cbc.ca/radio/asithappens/as-it-happens-wednesday-edition-1.3336554/nunavut-family-outraged-after-fashion-label-copies-sacred-inuit-design-1.3336560> (Kieran Oudshoorn/CBC Official Use Only/Northern Voices) /Tristan Fewings/Getty Images)

Case Study 2: Inuit Family Parka

- IP rights have specific terms, after which the work enters the public domain
- A work “in the public domain” may still be protected by rights from the respective Indigenous community

Case Study 3: Inuksuk (plural: inuksuit)



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- An Indigenous artwork or cultural expression with no defined date of origin or author will not be protected, even if it would have received IP protection when originally created
- May still have strong protections from relevant Indigenous community

Case Study 4: Morrisseau – appropriation of style



Case Study 4: Morrissette – appropriation of style

- While artistic styles are not protected, users of Indigenous arts and cultural expressions need to do their due diligence

Questions or Comments

Mahsi choo! (Thank you!)

Feel free to contact me with any questions: Meika Ellis
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