

## CANADA

Response to Question 1 : Copyright protection under the Copyright Act has been widely used by Aboriginal artists, composers and writers of traditional -based creations such as wood carvings of Pacific coast artists, including masks and totem poles, the silver jewelry of Haida artists, songs and sound recordings of Aboriginal artists, and Inuit sculptures.

Trademarks, including certification marks, are used by Aboriginal people to identify a wider range of goods and services, ranging from traditional art and artwork to food products, clothing, tourist services and enterprises run by First Nations. Many Aboriginal businesses and organizations have registered trademarks relating to traditional symbols and names. The number of unregistered trademarks used by Aboriginal businesses and organizations is considerably greater than those that are registered. Some trademarks are registered in order to prevent improper utilization of symbols or names.

Industrial designs protection under the Industrial Design Act has not been widely used by Aboriginal persons or communities. The West Baffin Eskimo Cooperative Ltd. filed over 50 designs in the late 1960s, for fabrics using traditional images of animals and Inuit people.

It is becoming increasingly common for Aboriginal communities in Canada to sign confidentiality agreements with governments and non-Aboriginal businesses when sharing their traditional knowledge. For example, the Unaaq Fisheries, owned by the Inuit people of Northern Quebec and Baffin Island is involved in fisheries management. The company regularly transfers proprietary technologies to other communities using its own experience in the commercial fishing industry. The techniques it develops are protected as trade secrets.

Response to Question 27 : In 1999, the Department of Indian and Northern Affairs and Industry Canada contracted a study which resulted in a publication entitled "Intellectual Property and Aboriginal People: A Working Paper". The paper provides an overview of Aboriginal perspectives on traditional knowledge, and areas of Canadian IP law of most relevance to Aboriginal people. It sets out brief examples of Aboriginal peoples' use of and their perspectives on copyright, industrial design, trade -marks, patent and trade secrecy protection. This paper is available at [www.ainc-inac.gc.ca/pr/ra/intpro/intpro](http://www.ainc-inac.gc.ca/pr/ra/intpro/intpro).

The government is currently seeking the views of national Aboriginal organizations and specifically soliciting examples where existing IP standards have not provided protection for TK but arguably should have.