

THE HOPI TRIBE'S PROTOCOL FOR RESEARCH, PUBLICATIONS AND RECORDINGS¹

The Hopi Tribe², located in Arizona, United States of America, has extensive experience with the unauthorised and illegitimate use of its cultural heritage. According to materials prepared by the Tribe, ceremonial dances have been tape recorded and the tapes sold to outsiders; designs from skilled Hopi potters have been replicated by non-Hopis; and, the Hopi's katsinas dolls, brightly painted wooden dolls with spiritual powers, have been copied and used in inappropriate settings³.

To prevent this, the Hopi Cultural Preservation Office⁴ has developed a "Protocol for Research, Publications and Recordings"⁵, setting out how the Hopi people would like their intellectual resources and traditional cultural expressions to be used by others.

Amongst other things, the Protocol states that "informed consent" is required for any project or activity involving Hopi intellectual resources; the use of recording devices is restricted; and, informants and subjects of a project or activity should be "justly compensated", which could include "acknowledgement as author, co-author or contributor, royalties, copyright, patent, trademark, or other forms of compensation".

Beside the Protocol, the Hopi Tribe has also been very active in related projects concerning the preservation and digitisation of its cultural heritage. These projects are initiated in order to prevent any dissemination of knowledge and information without the prior informed consent of the Tribe. A good example is the Hopi Oral History Project⁶ which aims at recording the history and cultural traditions of the Hopi. Another project involves the preservation of the Hopi Language, the Hopilavayi Project⁷.

¹ The views expressed in the resource and practices referred to in this summary do not necessarily constitute the views of WIPO or any of its Member States.

² See <http://www.hopi.nsn.us/>

³ See http://www.nau.edu/~hcopo-p/current/hopi_ipr.htm

⁴ See <http://www.nau.edu/~hcopo-p/>

⁵ See <http://www.wipo.int/tk/en/folklore/culturalheritage/index.html>

⁶ See <http://www.nau.edu/~hcopo-p/projects/oralhist.htm>

⁷ See <http://www.nau.edu/~hcopo-p/projects/lavayi.htm>

For more information, see WIPO, “Towards IP Guidelines and Best Practices for Recording and Digitizing Intangible Cultural Heritage: A Survey of Codes, Conduct and Challenges in North America”⁸, by Martin Skrydstrup, 2006.

⁸ http://www.wipo.int/tk/en/folklore/culturalheritage/casestudies/skrydstrup_report.pdf