

# Protecting and Promoting Indigenous Goods and Services Online



In an increasingly interconnected world, some indigenous peoples and local communities are turning to the digital economy and social media to market their goods and services. The shift to online platforms offers new opportunities for indigenous and local community Small and Medium-Sized Enterprises (SMEs) and entrepreneurs to actively promote and expand their businesses, reaching their customers in a more direct and convenient manner. With increased access, however, come new intellectual property challenges. While the benefits of doing business online can be great, indigenous and local community SMEs and entrepreneurs must determine early on how they will develop appropriate intellectual property strategies to safeguard their and their communities' interests online.



## **1. Register your business name, logo and domain name (internet address) as trademarks**

The first step to selling online is to create an online presence. Your business can establish an online presence by buying a domain name and developing a website or taking advantage of the tools offered by various online platforms such as social media. Make sure to register that name as a trademark in order to prevent someone else from using or registering the same name. Besides business names, trademarks can also be used to protect logos, product names and other distinctive signs used online. Once you have a trademark, use it. Display your trademark and trademark notice (®, TM or the equivalent) on your products and throughout your online business platforms.

## **2. Use copyright or industrial designs to protect the design and other creative content on your online business platform**

The design of a website or webpage can be protected by copyright or industrial designs. While copyright protection arises automatically, you would need to register industrial designs. Similarly, the content made available online, such as written materials, photographs, videos, music and graphics, can also be protected by copyright. Inform users that the content found throughout your website or social media pages is protected with copyright by including a copyright notice (© or the word “Copyright”, or the equivalent) on every page. Put a copyright notice next to each photo or make copying your photos more difficult by adding a watermark. Do not put high resolution images online.

## **3. Do not disclose culturally sensitive, secret, sacred or commercially valuable information online**

The internet has made access to information as simple as a click of a button. While trade secrets law protect commercially valuable information, such as manufacturing techniques, processes and know how, you should take reasonable measures to keep the

information secret. For example, instead of showing how your products are created, show where they are made. If necessary, make sure that those responsible for maintaining your business' online presence, such as employees, website developers or hosts, are well aware of the confidentiality of specific information linked to your business or your community. Consider including confidentiality agreements in employee's contracts and signing confidentiality agreements with business partners.

#### **4. Raise awareness on the uniqueness and authenticity of your products and services**

Help your customers and social media followers know that there is meaning and value behind your goods and services through effective digital storytelling strategies. Digital storytelling can contribute to creating an emotional link with your audience and facilitate sharing of information about the uniqueness of your goods and services and their link to your traditional knowledge and your community. These strategies can be reinforced by the use of certain intellectual property tools, such as certification marks, which can help enable brand recognition and raise public awareness as to the authenticity or other qualities of goods and services marketed under the mark. In this context, labels may also be used to provide context or educational information that intellectual property may not be able to convey.

#### **5. Be vigilant and proactive in protecting your online content**

It is your responsibility to monitor the web for unauthorized uses of your online content and intellectual property assets. If you have intellectual property rights, make it known, for example, by using trademark and copyright notices correctly, distinctively, and as much as possible. Carefully monitor your intellectual property assets, including your trademarks, copyright or industrial design protected materials that are shared via your website or social media accounts, taking action where necessary. Keep in mind that enforcing your intellectual property rights can be expensive. In some cases, the

most practical course of action would be to have the infringing materials taken off the web as soon as possible. Some websites have intellectual property enforcement departments, where complaints can be lodged and investigated and takedown requests can be made.

## **6. Take advantage of available resources for indigenous and local community SMEs and entrepreneurs**

Registering and enforcing intellectual property rights can be costly. While WIPO's Traditional Knowledge Division cannot provide legal advice and assistance as such, it may be able to refer indigenous and local community SMEs and entrepreneurs to pro bono or subsidized legal services that may be available. The Traditional Knowledge Division can be contacted at [grtkf@wipo.int](mailto:grtkf@wipo.int).

For more information on how the intellectual property system can support indigenous SMEs and entrepreneurs, check out the publications below:

**Protect and Promote Your Culture:** A Practical Guide to Intellectual Property for Indigenous Peoples and Local Communities

**Intellectual Property and Folk, Arts and Cultural Festivals:** Practical Guide

**Background Brief 5:** Intellectual Property and Traditional Handicrafts

**Making a Mark:** An Introduction to Trademarks for Small and Medium-Sized Enterprises

**Looking Good:** An Introduction to Industrial Designs for Small and Medium-sized Enterprises

**Creative Expression:** An Introduction to Copyright and Related Rights for Small and Medium-sized Enterprises

**Inventing the Future:** An Introduction to Patents for Small and Medium-sized Enterprises





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