



**FINAL  
REPORT**

*Rankin Inlet, Nunavut  
May 24-27, 2001*



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ᑭᓄ 24-27, 2001*

**INUIT WOMEN'S TRADITIONAL KNOWLEDGE WORKSHOP  
ON THE AMAUTI AND INTELLECTUAL PROPERTY RIGHTS**

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Final Report  
Rankin Inlet, Nunavut  
May 24-27, 2001

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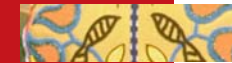
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# introduction Historical evidence

indicates that the style and form of the *amauti* and other Arctic

clothing has changed little over the centuries. This is evident

from Inuit oral history and the records of early explorers.

Caribou and seal have been traditional sources of food and the

raw material for clothing, shelter, and even boats. Caribou hair is

hollow and is an ideal insulator for winter clothing. As the inner

liner for clothing, the hair is water resistant and this reduces the

risk of matting and sticking from sweat and condensation. The

water repellent qualities of sealskin make it the preferred material

for clothing during the wetter spring and summer months.

Modern materials such as wool duffle and printed calico are

now commonly used to make the *amauti* but the shapes and

styles remain.

The distinction between an Inuit man's parka and the *amauti* of a woman is common throughout the Arctic. Regional and community variations in clothing designs can readily be distinguished. The style and decorations of the *amauti* can indicate a region and location. Different styles also indicate the age and status of a woman in the community. For example, an

ለጥራት ምርመራ (ፖሊስ) የሚሰጡ ምርመራ ሰነዶች

၎င်းတို့သည် အောက်ဖော်ပြပါအတိုင်း ဖြစ်ပေါ်ခဲ့သည်။

$\varphi_{\Delta^C} \circ \varphi_{J^{\infty}} \sigma_{\Gamma^C} = \varphi_{P^b} \varphi_C \varphi_{L^{\infty}} \sigma_{\Gamma^C}, \quad \varphi'_{\gamma} \varphi_{\Gamma^b} \varphi_{L^{\infty}} \sigma_{\Gamma^C}$

$\dot{L}^a_a J^C$   $\cap P^\zeta_J$ .  $CL^a_a \rightarrow \Delta^{sb} CD/L \gtrsim^{sb}$   $\Delta_m \Delta^C$   $D\sigma^{sb} D/r_n \lesssim^b C \Delta \sigma -$

[illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible]
$$D^{\mathbb{A}} \mathbb{A}_0 \cap \Gamma^b \quad \Delta^a \dot{\Sigma} \subset \Delta^a \mathbb{A}_1 \mathbb{A}_2 \quad \sigma^{\mathbb{A}^b} \mathbb{A} \langle \sigma^b \rangle^c \quad \Delta \mathbb{A}^{\mathbb{A}^b} \mathbb{A}_1 \mathbb{A}_2 \quad \langle \mathbb{A} \mathbb{A} \mathbb{A} \rangle_3 \quad \langle \mathbb{A}^b \mathbb{A} \rangle \sigma^{\mathbb{A}}$$
[illegible][illegible]

$\langle 1 | \rho_{\text{out}}^{(b)} \rangle = \langle 1 | \rho_{\text{in}}^{(b)} \rangle$

$$C\Delta L^a C\Delta L^a D\Delta L^b D\Delta L^b.$$









Preparing for the workshop was a momentous task. Funding was a critical problem and a great deal of time and effort went into the endeavour. The workshop material required special attention. Effort was made to ensure that the material was visually appealing. The intent was to prepare plain language resources that could later be used by other organizations or groups that wished to hold similar consultative workshops on traditional knowledge and IPR. The subject matter is complex and often confusing so it was important that key terms, concepts, laws, and conventions were presented in an understandable manner. A plain language glossary was therefore prepared as additional reference material. Material also was prepared that:

- 👤 Described Canada's IP laws;
- 👤 Described the history of the CBD;
- 👤 Described the role of the World Intellectual Property Organization (WIPO) and its 1982 *Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation*;
- 👤 Detailed WIPO's recent Fact Finding Mission, including its consultations with Aboriginal peoples in Canada;
- 👤 Described Panama's *Act 20* which protects traditional knowledge and the collective property rights of its Indigenous peoples; and,
- 👤 Described a draft contract prepared by the *International Centre for Human Rights & Democratic Development* intended to help Indigenous women protect their intellectual property.

[illegible][illegible]

























the *Coordinadora Nacional de Mujeres Indigenas de Panama* (CONAMUIP). These two women shared their experiences with the delegates and helped place the IPR concerns of Indigenous women into an international perspective. The delegates were directed to the reading material that addressed WIPO's activities and to a draft contract prepared by the *International Centre for Human Rights and Democratic Development*. The contract was developed to guide and aid Indigenous people who are allowing access to their the intellectual property by an outside individual or company.

The final day of the workshop was geared towards developing a strategy or workplan. The effort had been to provide the delegates with a better understanding of potential tools and directions that they may choose to initiate. Discussion began about the value of trademarks and how this could be practically implemented. The delegates had been informed about the *igloo tag* trademark that was managed by the Department of Indian and Northern Affairs Canada. They were asked to consider its usefulness. Delegates also considered collective marks, official marks, and the formation of an association or public authority. An association could serve the collective needs of Inuit seamstresses and could register for trademark protection. Such marks would guarantee the quality and authenticity of the garments. Delegates were very interested in the practicalities associated with a trademark or label. They wanted a clear understanding of how it would impact the making of their *amautis*. It was stressed to the delegates that these were commercial tools and that they could not effectively prevent anyone, Inuit or non-Inuit, from entering the market with products based on traditional knowl-

edge. The workshop was held in a room with a large table and chairs. The delegates were seated around the table, and the facilitator was standing at the front of the room. The delegates were very engaged in the discussion and took notes on the information provided. The facilitator provided a clear and concise overview of the workshop's objectives and the delegates' role in the process. The delegates were also given the opportunity to ask questions and share their own experiences. The workshop was a success and the delegates left with a better understanding of the importance of trademarks and the role of the government in protecting them.

People were very interested in the practicalities associated with a trademark or label. They wanted a clear understanding of how it would impact the making of their *amautis*. It was stressed to the delegates that these were commercial tools and that they could not effectively prevent anyone, Inuit or non-Inuit, from entering the market with products based on traditional knowledge. The delegates were very engaged in the discussion and took notes on the information provided. The facilitator provided a clear and concise overview of the workshop's objectives and the delegates' role in the process. The delegates were also given the opportunity to ask questions and share their own experiences. The workshop was a success and the delegates left with a better understanding of the importance of trademarks and the role of the government in protecting them.





edge. Delegates felt that rather than try to fit Inuit needs within existing IPR laws, that perhaps a new law should be created that would effectively protect against the misappropriation of their cultural heritage. Based on these discussions, a workplan was developed.

[illegible]





















- ☞ Younger people working on this project may feel intimidated by elders.
- ☞ People may not be well versed in traditional knowledge.
- ☞ Elders are not aware of all the laws and the possible obstacles and challenges that will be faced.

**Concern that the *amautis* that have been handed down to others are now being taken apart and used as patterns to make other *amautis* for profit:**

- ☞ Presently a person can buy an *amauti* and take it apart to use as a pattern to make new ones, possibly for sale, and without asking permission from the person who made the original.
- ☞ Raises the question of ownership of the pattern and who and how the *amauti* is being reproduced.
- ☞ Currently there is no need to ask for permission. Permission should be requested.
- ☞ Different from the past where patterns were passed down from parents to children.

**Inuit should not lose their cultural ways in order to protect the *amauti*:**

- ☞ Need to cooperatively think of the best way to protect the *amauti* that is appropriate to the Inuit way and not just meet the existing concerns of lawyers.
- ☞ Fitting into already defined forms of protection is not good enough.
- ☞ Need to document knowledge to give it strength.
- ☞ Important to protect the old ways of making the *amauti*.

**ኔፍጋፌር ላይዎበረቱጽጥ ለሮሞባክበርኮሌርሰላፍኤፍረኖ ሙዕልኢኤርሰላፍኤፍ፡፡ ልዎሙ ላይዎበረቱጽጥ፡፡**

- ☞ ርልረፍጋላጭርዎ ለፖሊስፍጋጥኤከጋ፡፡ ህገረሳፍጋሙ፡፡ ህገረሳፍጋሙ፡፡ ህገረሳፍጋሙ፡፡
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**ላፍጋረጋ፡፡ ልፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡**

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**ለፖሊስፍጋጥኤከጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡**

- ☞ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡
- ☞ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡
- ☞ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡
- ☞ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡ ላፍጋረጋ፡፡

**Labelling *amautis*:**

- ☞ Inuit do not just want a label but also want something that will be able to protect the *amauti*.
- ☞ All Inuit must have the right to make the *amauti* but it must not be replicated by non-Inuit.
- ☞ The effort is not to reduce the number of Inuit who can make the product.
- ☞ Labels must not be exclusive; they must protect the collective.
- ☞ Any label or broader form of protect must be owned by a collective body.
- ☞ The label should be similar to the igloo tag with information about the creator and where they are from; the mark should be a cultural property or cultural heritage mark.
- ☞ The label should require social standards that identify the product as fairly made and traded.
- ☞ The label should add value to the product.
- ☞ The label should serve as something recognizable and enforceable through legislation.
- ☞ Recognition must be given to the maker of the *amauti*.
- ☞ The labelling system should be implemented until a more comprehensive mechanism or tool can be developed.

**Inuit-specific forms of protection:**

- ☞ Protecting the *amauti* within existing IP laws fails to meet the collective concerns and values of Inuit.
- ☞ Mechanisms should address cultural property instead of intellectual property.
- ☞ The laws must respect Inuit values of helping and sharing.
- ☞ Current forms of protection have time limits.

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- ☞ ሲክረፍ ለሌሎች ጥቅም ሊሆን ይችላል። ለሌሎች ጥቅም ሊሆን ይችላል።
- ☞ ለጥቅም ሊሆን ይችላል። ለጥቅም ሊሆን ይችላል።

**ፌዴራል ልማት ምክር ቤት ለጥቅም ሊሆን ይችላል።**

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- ☞ ለጥቅም ሊሆን ይችላል። ለጥቅም ሊሆን ይችላል።
- ☞ ለጥቅም ሊሆን ይችላል። ለጥቅም ሊሆን ይችላል።

**ጥቅም ሊሆን ይችላል።**

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- ☞ ለጥቅም ሊሆን ይችላል። ለጥቅም ሊሆን ይችላል።
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- ☞ ለጥቅም ሊሆን ይችላል። ለጥቅም ሊሆን ይችላል።



- 👤 Need a form of protection for traditional knowledge without a limit.
- 👤 Develop a form of protection that lasts the lifetime of the people; create a new mark of protection.
- 👤 Protection must respect collective knowledge.

**Collective rights:**

- 👤 The forms of protection for intellectual property that are sought are for all Inuit.
- 👤 No Inuit or Inuk woman should be excluded from this protection.
- 👤 Future Inuit peoples must be protected by these laws and mechanisms.

**Non-government, cross-jurisdictional authority:**

-  A national body or group should be formed to oversee the work to protect the *amauti*.
-  A women's group should act as the protector of the *amauti*
- Question of trust.
-  Need to work cooperatively between regions to protect the *amauti*.
-  Do not want to collect patterns to give to the government.
-  Need to get other Inuit regional, governmental, and cultural organizations involved.

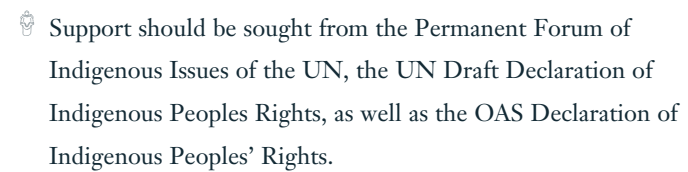
### International concerns:

- 👤 Inuit live in Canada, USA, Greenland, and in Russia.
- 👤 Protecting Inuit property rights must account for the pan-Arctic distribution of the Inuit.
- 👤 International organizations should participate in the discussions.

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### Long-term Objectives:

1. Form association of manufacturers or other public authority to seek interim protection and registration of cultural property trademark (within Pauktuutit for now):
  - ☞ Women's groups, throat singers, elders.
  - ☞ All Inuit women to be members; and,
  - ☞ No fee to join or belong.
  - ☞ Develop mandate, objectives and issues (working group):

**Issues to be addressed include:**

- 👉 ownership;
- 👉 control, access;
- 👉 benefit sharing;
- 👉 licensing;
- 👉 quality control;
- 👉 sustainability;
- 👉 membership criteria;
- 👉 ethical issues, (i.e. sharing patterns and designs, obligations of individuals to communities, social standards/fair trade practices, etc.); and,
- 👉 Identify cultural/intellectual property to be preserved, promoted and protected.

## 2. Additional Research and Project Development:

- a. Examine Canadian legislation that may be relevant and/or useful and further examine the Panamanian model (Act 20);
- b. Fund a delegation to Panama and develop an information exchange/fact-finding/cultural exchange project;
- c. Expand the consultation process and develop a meeting schedule:

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 Առևճի հետևանքով, ճգնաժամից հետո ԳԼՀ Աճի Կենտրոնի (Առևճի Կենտրոնի Որոշմամբ) Արժեքների Կենտրոնի:

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◀▶ $c^c\sigma^{\mathfrak{c}^c}\sigma^{\mathfrak{c}^b}$ ,  $\Lambda^{\mathfrak{c}^b}\mathfrak{c}^{\mathfrak{c}^b}\cap C\triangleright\sigma^{\mathfrak{c}^b}$ ;

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 $\Lambda \Delta^C \gamma \Delta^{qb} \sigma^b \quad \Delta \Delta_c^C \gamma \sigma^{qb};$ 

 བཀྲ་ཤིས་རྒྱལ་བ་དང་།

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Δ.  $b_a C \Gamma D^c$   $L c \bar{b} m \Gamma^a \nu^b \sigma^c$   $\bar{\nu}^b \lambda \Gamma^b \nu^b / L c^c \nu^b$

$$\langle D^{\epsilon_b} C D^{\epsilon_a} \epsilon^{\epsilon_b} \rangle_{\sigma^b} \quad \langle L_L / D^{\epsilon} \epsilon^a \dot{\sigma}^c$$

$\langle D^{\mathfrak{g}_b} C D^{\mathfrak{g}_a} \rangle / \langle D^{\mathfrak{g}_b} \rangle_{\sigma^b} \quad \langle L_{\mathfrak{g}_b} \rangle_{\mathfrak{g}_b} \quad \langle \mathfrak{g}_b \rangle_{\sigma^b} \langle \mathfrak{g}_a \rangle_{\sigma^a}$

ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ ԱՄԵՐԻԿԱՆ ԿԵՆՏՐՈՆ (1997 թ. 20);

-  Translation of additional materials into Inuktitut; and,
-  Define objectives and elements of new protection;
- d. Inventory/registry of cultural property, designs and innovations of all communities (collective registry); and,
- e. Gather existing research and archival material/on-site visits to Canadian Museum of Civilization, National Archives, other sites.

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- e. Gather existing research and archival material/on-site visits to Canadian Museum of Civilization, National Archives, other sites.

### 3. Develop new form of Indigenous-specific protection:

-  Scope and duration of the protections, etc

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**4. Develop national legislation/amendment to the Trademark Act.**

## 5. International links:

-  Support for protection from other countries; and,
-  Links with Inuit internationally.

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All the respondents indicated they thought the workshop's presentations were well organized. When asked to rate how effectively they thought the workshop addressed the topic of protecting Inuit women's traditional knowledge, about 55 percent stated it was good. Forty-four percent indicated it was average. No one rated it as poor. With respect to the topics discussed, all the respondents thought they were important. When asked whether the issues and topics discussed would help solve the problems faced by those who make the amauti, 88 percent of those who responded indicated they would be helpful.

The participants were asked if they thought the workshop failed to mention anything important. About 28 percent stated yes; another 11 percent offered no opinion. Participants stated the topics were complex and in some cases needed more elaboration. One stated that the questions discussed in the smaller break-out groups should have been discussed in more detail by the larger forum as well. Significantly, almost 95 percent of the respondents indicated they were planning to share what they learned at the workshop with others. Potential audiences included community women's groups and sewing groups, social and cultural organizations, and other interested persons. Some mentioned public announcements, radio shows, and newsletters. One delegate was going to write a briefing note to the Nunavut Minister responsible for Culture, Language, Elders, and Youth. These responses are encouraging and reflect the effectiveness of the workshop in communicating the IPR issues to the participants.

The workshop evaluation indicates the participants were satisfied with the organization of the sessions and about the

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## Conclusion The Amauti and Intellectual

Property Rights Workshop was a successful first step in defining the IPR needs of Inuit women. The workshop resulted in a two-phased plan to develop an effective mechanism that would protect the cultural heritage of all Inuit. It was felt that those who wish to profit from the *amauti* and to copy them outside of the Inuit social and cultural context need to be managed. Above all, Inuit women want to prevent the exploitation of the *amauti* without their prior informed consent. The delegates were not just interested in protecting their profits, they want to protect and continue the traditions.

The work being done to define the scope of issues and protection has generated significant interest from academics and others interested in doing the same or similar work. This workshop and resulting recommendations confirm the urgent need to ensure Inuit ownership and control of the issues, initiatives, processes and outcomes of this critical area of endeavour.

This work has received support and recognition of all Inuit regions, land claims organizations, national Inuit organizations, cultural institutes and other interested parties and stakeholders. The interest in and need to work collaboratively and in partnership was confirmed by all participants.

[illegible][illegible][illegible]







require time for participants to feel comfortable in openly participating, delegates were eager to begin their substantive discussions.

The workshop also generated a keen interest among several participants in global and hemispheric processes and influences such as the Organization of American States (OAS), the Free Trade Agreement of the Americas (FTAA) and issues related to globalization and its impact on Inuit women and Inuit communities in Canada. Tangible links were made to the need to protect Inuit cultural property, traditional knowledge and intellectual property rights and the CBD, and Pauktuutit was strongly encouraged to continue its work at the international level with organizations such as the United Nations, the World Intellectual Property Organization and others.

In addition to these broader conclusions and recommendations, participants formulated many specific recommendations. The participants concluded that a labelling system could be implemented until a more comprehensive system can be developed. For example, an *amauti* trademark could serve as a fair-trade trademark. As well, an inventory of *amauti* styles, designs, and makers by community, by region, and nationally should be initiated. They felt that there should be a governing body that could manage and control this cultural property in the name of the collective. To ensure the integrity of the designs, it was suggested that licensing may be an option. It was felt that those who profited from the *amauti* have an obligation to their communities and that some benefits should therefore be returned. The lessons learned from the Panamanian example led to the suggestion that five percent of sales should go to an

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# Appendix

## Amauti Workshop Agenda

# Inuit Women's Traditional Knowledge Workshop on the Amauti and Intellectual Property Rights

Rankin Inlet, Nunavut - May 24-27, 2001

## Day 1 - May 24

*Morning*

## Introduction to the Workshop

## Presenters

Tracy O'Hearn

Sally Webster

1. Background to the workshop
2. Objectives of the workshop
3. Overview of workshop material
4. Review of agenda
5. Workshop methodology

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ბიწნიშვილი, დაჯ. ლა 24-რ. 27-ი, 2001

**D<sup>c</sup>b P<sup>c</sup>b - LA 24**

$$\Delta^c \subset \mathcal{L}_\sigma$$

ბილმდმდ<sup>5b</sup>ჯ<sup>c</sup> მ<sup>b</sup>ბ<sup>5</sup>ად<sup>5b</sup>

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3. ከቢሮድዊናል የፖለቲካ ምክር ቤት
4. የየፖለቲካውን ከቢሮድዊናል
5. ፎኩስ ከቢሮድ ልማትና ፍሬኬንሳን በተመለከተ?

*Afternoon*

**What is an *Amauti*?**

Facilitator Robbie Watt

**Day 2 - May 25**

*Morning*

**Inuit Traditional Knowledge  
Individual versus Collective Rights**

Presenter Tracy O'Hearn

Facilitator Tamara Dionne Stout

*Afternoon*

**The Convention on Biological Diversity**

Presenters

Tracy O'Hearn

Tamara Dionne Stout

**Background to the Convention on Biological Diversity**

Ethical Issues

Prior informed consent

Access and benefit sharing

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|-----------------------------------------------------------------------------------------------------|--------------------------------------|
| <b>Day 3 - May 26</b>                                                                               | <b>ድኃኔ ለኔረብ - LA 26-ፐ</b>            |
| <i>Morning</i>                                                                                      | <i>ድረጊት</i>                          |
| <b>Current Intellectual Property Right Laws</b>                                                     | <b>ድጋፍተኛ ልዩነቶችን ልዩነቶችን ለሰላም ለሰላም</b> |
| Presenter Phillip Bird                                                                              | ድኃኔ ለሰላም ሰላም                         |
| Copyright                                                                                           | ልዩነቶችን ለሰላም ሰላም                      |
| Trademarks                                                                                          | ልዩነቶችን ለሰላም ሰላም                      |
| Industrial designs                                                                                  | ልዩነቶችን ለሰላም ሰላም                      |
| <i>Afternoon</i>                                                                                    | <i>ድኃኔ</i>                           |
| <b>International Examples and Experiences</b>                                                       | <b>ሰላም ለሰላም ሰላም ሰላም</b>              |
| <b>How have Indigenous peoples in other countries tried to protect their traditional knowledge?</b> | <b>ሰላም ለሰላም ሰላም ሰላም</b>              |
| Presenters                                                                                          | ድኃኔ ለሰላም ሰላም                         |
| Sonia Henríquez (Panama)                                                                            | ሰላም ለሰላም ሰላም                         |
| Graciela Magan (Peru)                                                                               | ሰላም ለሰላም ሰላም                         |
| Panama -Legislation Act 20                                                                          | ሰላም ለሰላም ሰላም                         |
| Peru                                                                                                | ሰላም ለሰላም ሰላም                         |
| Draft Contract                                                                                      | ሰላም ለሰላም ሰላም                         |
| WIPO Model Provisions for Protecting Folklore                                                       | ሰላም ለሰላም ሰላም                         |
| WIPO's Fact Finding Mission                                                                         | ሰላም ለሰላም ሰላም                         |

Day 4 - May 27

Morning

Review and Discussion

- Open forum
- Collective Rights
- Trademark
- Association of Manufacturers
- Formal documentation of the amauti and registration of design(s)
- Public authority

Afternoon

Action Plan

1. How can the *amauti* be protected?
2. Should customary laws about issues like access and benefit sharing be defined and documented?
3. Should an organization to register intellectual property rights for Inuit be created?
4. How should benefits from traditional knowledge be distributed?
5. How can the use and marketing of traditional knowledge be authorized?
6. Should trademarks, copyrights, and industrial designs be considered to protect intellectual property?

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