



# IP AUSTRALIA INDIGENOUS KNOWLEDGE WORK PLAN 2022-23



# ACKNOWLEDGEMENT

IP Australia acknowledges the Aboriginal and Torres Strait Islander peoples of Australia. We acknowledge the Traditional Custodians of the lands on which our agency is located and where we conduct our business. We pay our respects to ancestors and Elders, past, present and emerging. IP Australia acknowledges Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.

## INTRODUCTION

IP Australia is looking at how Australia's intellectual property (IP) system can help support the cultural integrity and economic potential of Indigenous Knowledge (IK) held by Aboriginal and Torres Strait Islander peoples. When we talk about IK, we are referring to:

- Traditional Knowledge (TK) – know how, practices, techniques and skills; and
- Traditional Cultural Expressions (TCEs) – visual imagery, performance, design, words and names.

This work plan follows on from our 2020-21 IK Work Plan and sets out key next steps for IP Australia's work on IK. The initiatives are based on feedback we heard in our 2021 Indigenous Knowledge consultations.

## IP Australia's Approach to Indigenous Knowledge

IP Australia is committed to better engagement with Aboriginal and Torres Strait Islander peoples. To put this into action we are:

- Looking at how we approach Aboriginal and Torres Strait Islander engagement and taking steps to ensure Aboriginal and Torres Strait Islander perspectives remain central to the activities in this work plan.
- Progressing IK policy changes in a way that is led by our engagement with Aboriginal and Torres Strait Islander peoples. Proposed changes will be adapted to reflect what Aboriginal and Torres Strait Islander people tell us.

Part of our on-going approach includes elements of our previous IK work plan which are now reflected in [IP Australia's Reconciliation Action Plan](#), such as:

- Increasing Aboriginal and Torres Strait Islander peoples' engagement on issues at the World Intellectual Property Organization (WIPO).
- Making sure IP Australia staff have training and resources to consider IK in appropriate and culturally respectful ways.
- Providing information about IP and IK issues to build awareness, such as at events held by IP Australia or other organisations.
- Considering how we can support people who are interested in using IP protections for IK, including labelling for authentic goods.

## Who is IP Australia?

IP Australia is the Australian Government agency that administers IP rights and legislation relating to patents, trade marks, designs and plant breeder's rights. IP Australia does not have responsibility for copyright policy, which is administered by the Attorney General's Department.

Information about the consultation processes we have undertaken, including copies of the consultation report and submissions received are available on our website at <https://www.ipaustralia.gov.au/indigenous-knowledge>. If you are interested in our work on Indigenous Knowledge, you can subscribe to our mailing list to stay up-to-date.

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Work Stream	Objective	Next Steps	Indicative Timeline	Desired End Result/s	
For information about other work beyond the below policy focused changes, check out IP Australia's Reconciliation Action Plan					
1	<b>Indigenous Knowledge Panel at IP Australia</b>	Create a mechanism for decision making in partnership with Aboriginal and Torres Strait Islander experts relating to IP applications that use IK.	<ul style="list-style-type: none"> <li>Develop draft terms of reference (ToRs) and release publicly.</li> <li>Run a process to find potential members for a panel.</li> <li>Look at making additional system changes to support work of the Panel.</li> </ul>	Release ToRs for initial Panel – Early 2023 Run process to identify potential members for an initial Panel – Mid 2023	IP Australia has a finalised model for an initial Indigenous Knowledge Panel. Selection of membership for an initial Panel made up of Aboriginal and Torres Strait Islander peoples is completed.
2	<b>Proposals for system enhancements for Trade Marks and Designs</b>	Release detailed proposals for changes to Trade Marks and Design processes where IK is used, based on previous consultations.	<ul style="list-style-type: none"> <li>Develop proposals for potential system enhancements.</li> <li>Release details of potential changes.</li> <li>Consult on approach and adapt based on feedback.</li> </ul>	Proposal development – 2022/2023 Consultation on proposals – 2023	Proposed system enhancements are developed, consulted on, and adapted based on input from Aboriginal and Torres Strait Islander peoples.
3	<b>Proposals for disclosure of source, for patents and Plant Breeder's Rights (PBR)</b>	Release detailed proposals for Patent processes, related to disclosure of source for genetic resources and associated IK. Also develop proposals for disclosure of source or other mechanisms in the PBR system.	<ul style="list-style-type: none"> <li>Develop proposals for potential system enhancements.</li> <li>Release details of potential changes.</li> <li>Consult on approach, adapt based on feedback.</li> </ul>	Proposal development – 2022/2023 Consultation on proposals – 2023	Proposed system enhancements relating to disclosure are developed, consulted on, and adapted based on input from Aboriginal and Torres Strait Islander peoples.
4	<b>Guidance for customers about IK and IP and seeking consent</b>	Support IP Australia customers by providing guidance materials about using IK respectfully and with consent.	<ul style="list-style-type: none"> <li>Use consultation feedback and work to date to identify existing information and gaps.</li> <li>Develop draft plan for guidance materials.</li> <li>Consult on proposed approach.</li> </ul>	Desktop research and gap analysis – 2023	Development of further guidance to support respectful or appropriate uses of IK as part of IP rights, including consultation and consent.
5	<b>Supporting access to the IP system for IK custodians</b>	IP Australia continues to support education and awareness about IP and access to the IP system.	<ul style="list-style-type: none"> <li>Develop and release new education and awareness materials about IK.</li> <li>Investigate possibilities for tools to help IK custodians to identify when IK is being used and help manage its use.</li> </ul>	Develop new education and awareness material – on-going Exploration for options for other supports or tools – 2023	Release new materials to increase education and awareness about IP and IK, for Aboriginal and Torres Strait Islander people and non-Indigenous people. Determine feasibility of other ways or tools to increase the transparency and awareness around use of IK in the IP system.
6	<b>Scoping Study into stand-alone legislation for IK</b>	Work in partnership with Whole of Government partners and stakeholders to complete a scoping study into potential models for stand-alone legislation to better protect IK.	<ul style="list-style-type: none"> <li>Hold further consultations on potential stand-alone legislation models.</li> <li>Final scoping study report is provided to Government for consideration.</li> </ul>	Initial consultations – Late 2022 Reporting – Late 2022/Early 2023	Exploration of potential models to support the Government commitment to progress stand-alone legislation.