



THE NEW ZEALAND CENTRE OF
INTERNATIONAL ECONOMIC LAW



TRADE, INTELLECTUAL PROPERTY AND THE KNOWLEDGE ASSETS OF INDIGENOUS PEOPLES: THE DEVELOPMENTAL FRONTIER

Wednesday 8 – Friday 10 December 2010

With Keynote Speaker:

Tony Taubman, Director,
Intellectual Property Division, WTO



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Knowledge assets have come to play an increasingly important role in global, regional and national markets. For indigenous people their traditional knowledge is a unique and multidimensional asset. Such assets offer developmental possibilities. If these developmental possibilities are to be realised new institutional and governance approaches will have to evolve that are responsive to the needs and preferences of indigenous peoples.

This conference will discuss the linkages between trade, intellectual property, traditional knowledge assets (including traditional cultural expressions) and the development aspirations of indigenous peoples. What are the broader institutional and governance issues that will need to be considered if flourishing indigenous business enterprises based on traditional knowledge assets are to become a reality? The conference aims to share knowledge, ideas and experience of how markets and trade affect indigenous peoples and ways in which indigenous peoples might harness economic opportunities to benefit from and support their unique heritage of knowledge. The conference will have a particular focus on New Zealand, the Pacific Islands and Australia.

We are grateful to our sponsors:



PROGRAMME

Wednesday 8 December - Afternoon (Kelburn Campus)

From

- 1.00pm: Registration** Please note that there will be opportunities to register throughout the conference.
- 2.00pm: Welcome Reception:** Te Herenga Waka Marae, Kelburn Parade
- 3.30pm: Session 1 - What can intellectual property do for traditional knowledge systems? (HULT323)**

Prof Peter Drahos, RegNet, Australian National University

Rules and Institutions – What property can and can't do for TK

Dr Daphne Zografos, University of Reading

The Branding of Traditional Cultural Expressions: To Whose Benefit?

Prof Ruth Okediji

Innovating Around Traditional Knowledge: Culture as Intangible Property

5.30pm: Drinks Reception (Level 3, Murphy Foyer)

Thursday 9 December (Rutherford House, Pipitea Campus)

8.15am: Registration

9.00am: Welcome:

Prof Susy Frankel, Victoria University of Wellington Co- Director NZCIEL

9.10am: Session 1 – Perspectives from the Region

Aroha Mead, Senior Lecturer, Management School, VUW

Traditional Knowledge, Intellectual Property and “the Commons”

Houlton Fassau, Principal Legal Analyst, Samoa Law Reform Commission

Protection of Traditional Knowledge and Expressions of Culture in Samoa.

Virginia Falk, Aboriginal lawyer

Intergenerational Benefit-Sharing: The conundrum of Traditional Knowledge

IP in the reinvention of ethical and legal benchmarks in Corporate and

Government responsibility

Danyl Strype, Community Adviser

Kei hea ngā kete mātauranga e toru o ēnei wā: Where are the three baskets of knowledge of today?

10.50am: MORNING TEA

11.20am: Session 2 – Sharing or Appropriating?

Raylene Brown, Kungkas Can Cook, Alice Springs, North Territory

Walking Between Two Worlds: Ancient Aboriginal Foods from a Commercial Kitchen

Jenny Cleary, Senior Research Development Manager, Centre for Rural Health and Community Development, University of South Australia

Walking in Two Worlds: Research approaches to understanding remote

Aboriginal participation in the Australian bush Foods industry

Dr Jessica Hutchings, Ngai Tahu, Ngati Huirapa, Manager, Te Wahanga

Protecting the knowledge taonga of Hua Parakore - A Maori Organic Standard

12.40pm: LUNCH

1.40pm: Session 3 – Country Approaches and Model Laws

Dr Allan Rocha de Souza, Universidade Federal Rural do Rio de Janeiro

Cultural Rights in Brazil and their Application to TCEs

Prof Peter Yu, Drake University Law School
The Protection of Traditional Knowledge in China

Dr Miranda Forsyth, Researcher, Australian National University
The Pacific Model Law on Traditional Knowledge and Expressions of Culture: An Opportunity for Legal Pluralism?

Prof Conrad Visser, Head of Centre for Business Law, University of South Africa
The South African Approach to Protecting Traditional Knowledge

3.20pm: AFTERNOON TEA

3.45pm: Session 4 – Medicines: Ancient but new

David Claudie Kaanju, traditional owner and Chuulangun Aboriginal Corporation Chairman; **Dr Susan Semple**, School of Pharmacy and Medical Science, University of South Australia; **Dr Nick Smith**, Nelumbo Botaniks, ethnobotanist ; **Bradley Simpson**, School of Pharmacy and Medical Science, University of South Australia
Ancient but new: Developing locally-driven enterprises based on traditional medicines in Kuuku I'yu [Northern Kaanju homelands, Cape York, Queensland, Australia]

4.45pm: Session 5 - Geographical Indications

Prof Daniel Gervais, Vanderbilt University Law School
Traditional Knowledge and the Ongoing Debate on the Protection of Geographical Indications

Prof Michael Blakeney, University of Western Australia
Traditional Knowledge and GIs in the Pacific

Prof Susy Frankel, Victoria University of Wellington (Commentator)

5.45pm: End Day 1

6.30pm: CONFERENCE DINNER at Zealandia

Friday 10 December

9.00am: Session 1: Keynote Address

Tony Taubman, Director, Intellectual Property Division, WTO

10.30am: MORNING TEA

11.10am: Parallel Sessions A and B

Session 2A- Governance and Institutions

Ass Prof Colin Picker, UNSW

Indigenous Peoples and International Institutions, a Clash of Legal Cultures? The Example of the WTO and Indigenous Peoples

Catherine Iorns Magallanes, Faculty of Law, VUW

Indigenous Governance Structures: International Law and 'Cultural Fit'

Dr Robert Joseph, University of Waikato

Contemporary Māori and Indigenous Governance and the Developmental Frontier

Session 2B- The Search for Alternative Models for TK

Dr Luigi Palombi, ANU

Three Years of Searching in the Australian Wilderness and What we discovered

Prof Natalie Stoianoff, School of Law, University of Technology, Sydney

Traditional Knowledge in Australia: Can the Indian Model provide a Solution?

Dr Daniel Robinson, Lecturer, Institute of Environmental Studies, University of New South Wales

Traditional Knowledge and Biological Product Derivative Patents: Benefit Sharing and Issues Relating to Camu Camu, Kakadu Plum and Açai Plant Extracts

12.30pm: LUNCH

1.30pm: Session 3 – Collective Management

Eddie Schwartz, President Songwriters Association of Canada

Distributing Income to Indigenous Owner

Winston Roberts, National Library of NZ

Managing trusted reservoirs of traditional knowledge

2.20pm: Session 4 - International Regimes and Globalisation

Dr Silke von Lewinski

The emerging international regime for traditional knowledge – how relevant to indigenous business development?

Eva –Susanne Hendriks, Amsterdam Centre for Law and Economics

University of Amsterdam

Where to accommodate for Traditional Knowledge?

Prof Roger Maaka, Maori Studies, EIT

Indigeneity and Globalisation

3.30pm: AFTERNOON TEA

4.00pm: Session 5 - Trade Law and Impacts

Prof Christoph B. Graber, University of Lucerne

Indigenous Cultural Heritage and Fair Trade: Voluntary Certification Standards in the Light of WIPO and WTO Law and Policymaking

Maree Newson, Solicitor, Chapman Tripp

Measuring what we value: Making the case for Indigenous Rights Impact Assessment of PACER Plus

Meredith Kolsky Lewis, Co-Director NZCIEL, Victoria University of Wellington

Traditional Knowledge in the WTO Context

CONFERENCE CLOSE 5.15pm

