Report on Traditional Knowledge Rights for Online Heritage Collections

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Introduction

Using various multimedia technologies, indigenous populations have been able to record and preserve their Traditional Knowledge online. The World Intellectual Property Organization defines Traditional Knowledge as "the intellectual and intangible cultural heritage, practices and knowledge systems of traditional communities, including indigenous and local communities."[1] Therefore, Traditional Knowledge may refer to various aspects of a culture, including: dances, songs, languages, tools, artwork, designs, costumes, film, histories, traditions, folklore, biodiversity and medical knowledge, recordings and photographs. This knowledge is often shared among individuals and seen as owned by the community as a whole. This presents an issue, as traditional copyright does not support the needs of indigenous communities.

Intellectual property and copyright laws are often incompatible with Traditional Knowledge because they generally only apply to a couple of authors rather than a whole community. For example, the Canadian copyright of an item is a term consisting of the life of an author plus fifty years. However, since Traditional Knowledge belongs to the community and develops and changes over time, it is difficult to determine an author. Additionally, information shared over the web can be subjected to misuse, making it essential that communities are able to define and control the rights to their own resources.

This report focuses on copyright, licensing, consent, and use labels available for cultural heritage organizations working with Indigenous materials in a Canadian context. It compares the utility several available and proposed labelling schemes and discusses the ways in which heritage professionals can support their local communities and citizens with their material-sharing needs.
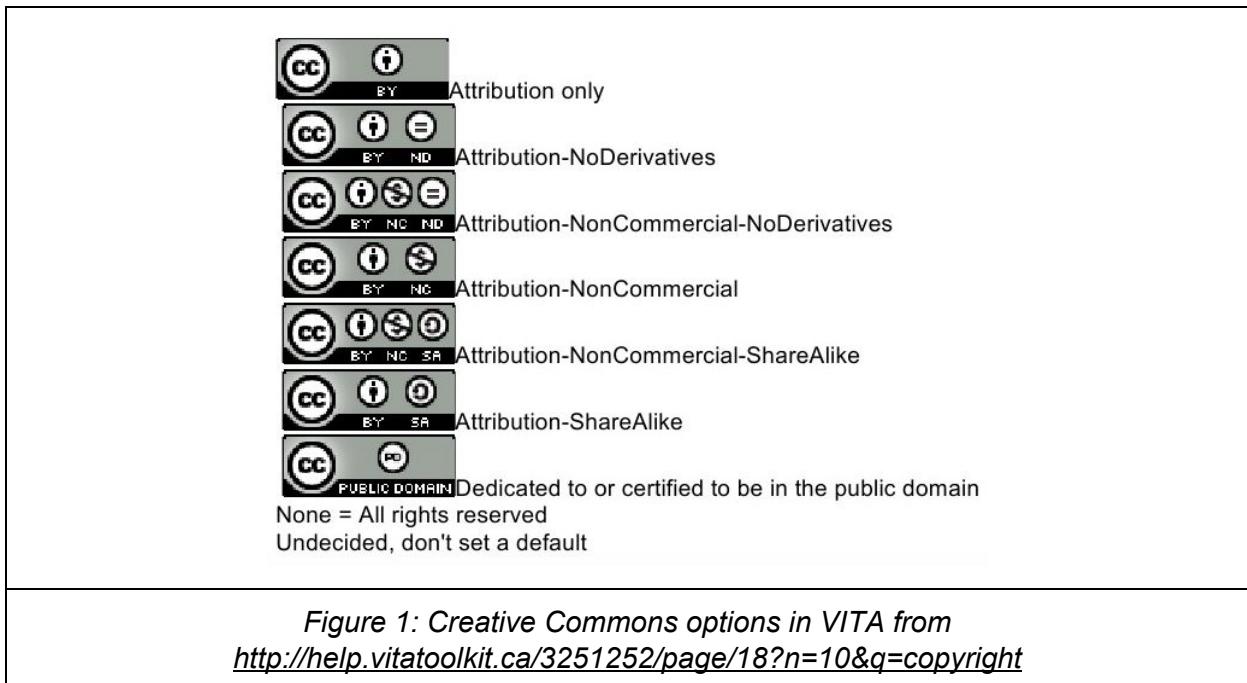
Industry Standards for Heritage Rights

Most heritage organizations understand the basic rules of copyright: either a work is in copyright, or in the public domain, or the work's author can't be identified (an orphan work). Items in copyright may be subject to certain licenses that allow certain uses, while items in the public domain may be subject to privacy or legal constraints by the donor. Users can be exempted from copyright based on the type of use (e.g. educational exemptions, or fair dealing rights).

It's likely you have also already heard of the Creative Commons licenses available for creative materials:
1. Attribution Only: This license lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation. This is the most accommodating of licenses offered. Recommended for maximum dissemination and use of licensed materials.

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[1] http://www.wipo.int/tk/en/resources/glossary.html#49

2. Attribution-No Derivatives: This license allows for redistribution, commercial and non-commercial, as long as it is passed along unchanged and in whole, with credit to you.

3. Attribution-NonCommercial-No Derivatives: This license is the most restrictive of our six main licenses, only allowing others to download your works and share them with others as long as they credit you, but they can't change them in any way or use them commercially.

4. Attribution-NonCommercial: This license lets others remix, tweak, and build upon your work non-commercially, and although their new works must also acknowledge you and be non-commercial, they don't have to license their derivative works on the same terms.

5. Attribution-NonCommercial-ShareAlike: This license lets others remix, tweak, and build upon your work non-commercially, as long as they credit you and license their new creations under the identical terms.

6. Attribution-ShareAlike: This license requires people who make copies or adaptations of the work to be release the new work under the same or similar licence as the original.

7. Dedicated to or Certified to be in the Public Domain: This license lets others know that there are no restrictions on use.

Figure 1: Creative Commons options in VITA from
http://help.vitatoolkit.ca/3251252/page/18?n=10&q=copyright

What Else Is Available For Cultural Heritage?

RightsStatements.org

RightsStatements.org provides a set of standardized rights statements that can be used to communicate the copyright and re-use status of digital heritage objects to the public. Where the heritage organization is the rightsholder, consider using Creative Commons licenses instead; RightsStatements.org is primarily for aggregated heritage. Currently they have 12 different right statements in 3 different categories: in copyright, no copyright, and other (cases where copyright is unclear).

Figure 2: Copyright icons from http://rightsstatements.org/page/1.0/?language=en

The following 5 rights statements are intended for use with digital objects that are in copyright:

1. In Copyright: This Rights Statement can be used for an Item that is in copyright. Using this statement implies that the organization making this Item available has determined that the Item is in copyright and either is the rights-holder, has obtained permission from the rights-holder(s) to make the Work available, or makes the Work available under an exception or limitation to copyright (including Fair Use) that entitles it to make the Work available.

2. In Copyright - EU Orphan Work: This Rights Statement is intended for use with Works that have been identified as Orphan Works in accordance with Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of Orphan Works. It can only be applied to Works that are covered by the Directive: Works published in the form of books, journals, newspapers, magazines or other writings as well as cinematographic or audiovisual works and phonograms (note: this excludes photography and visual arts). It can only be applied by data providers that are

beneficiaries of the Directive: publicly accessible libraries, educational establishments and museums, archives, film or audio heritage institutions and public-service broadcasting organizations, established in one of the EU member states. The beneficiary is also expected to have registered the work in the EU Orphan Works Database maintained by OHIM.

3. In Copyright - Educational Use Permitted: This Rights Statement can be used only for copyrighted Items for which the organization making the Item available is the rights-holder or has been explicitly authorized by the rights-holder(s) to allow third parties to use the Work for educational purposes without first obtaining permission.

4. In Copyright - Non-Commercial Use Permitted: This Rights Statement can be used only for copyrighted Items for which the organization making the Item available is the rights-holder or has been explicitly authorized by the rights-holder(s) to allow third parties to use the Work for non-commercial purposes without obtaining permission first.

5. In Copyright - Rights-holder(s) Unlocatable or Unidentifiable: This Rights Statement is intended for use with an Item that has been identified as in copyright but for which no rights-holder(s) has been identified or located after some reasonable investigation. This Rights Statement should only be used if the data provider is reasonably sure that the work is in copyright. This Rights Statement is not intended for use by EU-based data providers who have identified works as Orphan Works in accordance with the EU Orphan Works Directive (they must use InC-OW-EU instead).

The following 4 rights statements are intended for works that are not in copyright but where there are restrictions other than copyright that prevent free re-use or where the out of copyright status has only been ascertained for a specific jurisdiction. These rights statements should only be used when it is not possible to use the Public Domain Mark or CCO Public Domain under the Creative Commons License:

1. No Copyright - Contractual Restrictions: This Rights Statement can only be used for Items that are in the Public Domain but for which the data provider has entered into contractual agreement that requires it to take steps to restrict third party uses of the Item. In order for this Rights Statement to be conclusive, the data provider must provide a link to a page detailing the contractual restrictions that apply to the use of the Item.

2. No Copyright - Non-Commercial Use Only: This Rights Statement can only be used for Works that are in the Public Domain and have been digitized in a public-private partnership as part of which, the partners have agreed to limit commercial uses of this digital representation of the Work by third parties. It has been developed specifically to allow the inclusion of Works that have been digitized as part of the partnerships between European Libraries and Google, but can in theory be applied to Works that have been digitized in similar public-private partnerships.

3. No Copyright - Other Known Legal Restrictions: This Rights Statement should be used for Items that are in the public domain but that cannot be freely re-used as the consequence of known legal restrictions that prevent the data provider from allowing free re-use of the Work, such as cultural heritage or traditional cultural expression protections. In order for this Rights Statement to be conclusive, the data provider must provide a link to a page detailing the legal restrictions that limit re-use of the Item.

4. No Copyright - United States: This Rights Statement should be used for Items for which the provider has determined are free of copyright under the laws of the United States. This Rights Statement should not be used for Orphan Works (which are assumed to be in-copyright) or for Works where the data provider has not undertaken an effort to ascertain the copyright status of the Work.

Lastly, the following 3 rights statements are intended for use with digital objects where the copyright status has not been determined with certainty. These should only be used if it is not possible to use a clearer rights statement or license:

1. Copyright Not Evaluated: This Rights Statement should be used for Items for which the copyright status is unknown and for which the data provider has not undertaken an effort to determine the copyright status of the work.

2. Copyright Undetermined: This Rights Statement should be used for Items for which the copyright status is unknown and for which the organization that has made the Item available has undertaken an effort to determine the copyright status of the Work. Typically, this Rights Statement is used when the organization is missing key facts essential to making an accurate copyright status determination.

3. No Known Copyright: This Rights Statement should be used for Items for which the copyright status has not been determined conclusively, but for which the data provider has reasonable cause to believe that the work is not covered by copyright or related rights anymore. This Rights Statement should not be used for Orphan Works (which are assumed to be in-copyright) or for Works where the data provider has not undertaken an effort to ascertain the copyright status of the Work.

Opportunities For Use

The rights statements were developed to be used alongside the Licenses and Public Domain Tools provided by Creative Commons. Additionally, they were developed for cultural heritage institutions to provide information about the rights status of works in their collections in situations where the Creative Commons licenses and other legal tools cannot be used. This is beneficial as the labels were made for use by organizations that have cultural heritage collections.

The labels are fairly simple and are open for use. Rightstatements.org provides all the labels and a set of guidelines for applying the labels on their website.[2] Moreover, the labels were designed to capture the most common rights situations, which will make them applicable to more situations.

Limitations

Right statements do not have the same legal protection that Creative Commons licenses have when the content is in copyright. The statements listed above serve as a summary of the various permissions and restrictions on reuse and therefore have no legal binding.

Although the labels can be used for cultural heritage institutions, many of the labels are not as specific to Canadian or indigenous issues and purposes since they were designed to capture the most common rights situations made available through the Digital Public Library of America (DPLA) and Europeana. For example, none of the labels specifically oblige users of Traditional Knowledge to avoid sharing to other regions or to avoid sharing to men or women as the knowledge is for one group only.

They are currently only available in English, and therefore cannot inform users that cannot read English text of the permissions or restrictions on reuse.

Mukurtu and Local Contexts

Mukurtu CMS is a free, mobile and open source platform that was designed for indigenous communities to manage, preserve, and share their digital heritage. A set of developed "cultural protocols" are the core of Mukurtu, as they allow an administrator to determine their own communities access levels based on their own needs and values. Additionally, they work with their sister organization Local Contexts to provide additional labels designed for electronic content.

Local Contexts is an initiative that supports Indigenous communities in the management of their cultural heritage and intellectual property within a digital environment. Local Contexts provides legal, extra-legal, and educational strategies for navigating copyright law through the use of Traditional Knowledge licenses and labels. Emerging from Mukurtu's CMS platform, Local Contexts began to provide indigenous populations strategies for managing, sharing, and protecting their digital heritage.

The vision of the Traditional Knowledge Licenses and Labels initiative is two-fold. First, it ensures that indigenous, traditional and local peoples be recognised and acknowledged as the proper custodians and authorities for making decisions about how their cultures can be shared with others. Secondly, the initiative helps users develop and increase capacities for cultural awareness, cultural sensitivity and respect for different rules regarding the access and use of specific kinds of knowledge.

The 13 labels currently available through Local Contexts are:

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[2] http://rightsstatements.org/en/documentation/assets.html

1. TK Family: This label should be used when you would like external users to know that this material is subject to certain conditions for circulation. Specifically this material is usually only shared between family members. Since these conditions have not historically been recognized, this label helps make these conditions clearer for future users. Specifically it asks them to respect culturally specific rules of use and to make different and fair decisions about using this type of material. This label is being used to indicate that this material is traditionally and usually not publicly available. The label is correcting a misunderstanding about the circulation options for this material and letting any users know that this material has specific conditions for sharing between family members. Who these family members are, and how sharing occurs will be defined in each locale. This material is not, and never was, free, public and available for everyone at anytime.

2. TK Seasonal: This label should be used when you want to let external users know that the material that is openly circulating has seasonal conditions of access and use. This could mean that some material should only be used and heard at particular times of the year. It could also mean that the environment and land where this material derives also influences and impacts its meaning and significance. This label can be used to help external users know that there are land-based teachings in this material that affect proper use and respectful understanding. This label is being used to indicate sophisticated relationships between land and knowledge creation. It is also being used to highlight the relationships between recorded material and the specific contexts where it derives, especially the interconnected and embodied teachings that it conveys.

3. TK Outreach: This label should be used when you would only like your cultural materials used for educational outreach activities. Outreach activities means to share works outside the community in order to increase and raise awareness and education about your family, clan and/or community. Sites for outreach activities can include schools, universities, libraries, archives, museums, online forums and small learning groups. Depending on what kind of context and the possibilities for increased circulation of this material, this label helps TK holders and users to develop new possibilities in the fair and equitable reciprocal exchange for use of this material in outreach activities. This exchange might include access to educational or other resources that your community has difficulty accessing under other circumstances. This label is being used to indicate that this material is traditionally and usually not publicly available.

4. TK Verified: This label should be used when you and your community are satisfied with the way in which your traditional knowledge materials are being represented online or offline. This label affirms that appropriate conditions for access and use are in place and that whoever has made this material accessible has made accommodations for cultural protocols associated with the knowledge. It lets users know that the right thing is being done by your community protocols and standards. This label affirms that the representation and presentation of this material is in keeping with community expectations and cultural protocols. It lets you know that for the individual, family or

community represented in this material, use is considered fair, reasonable and respectful.

5. TK Women General: This label should be used when you want to let external users know that the material circulating should only be shared between women in the community. This label can be used to help external users recognize that with this material there are specific protocols and conditions of use. This label is designed to recognize that some knowledge is gendered, and that certain knowledge can only be shared among specific members of the community. This material has specific gender restrictions on access. It is usually only to be accessed and used by women in the community. If you are not from the community and you have accessed this material, you are requested not to download, copy, remix or otherwise circulate this material to others without permission.

6. TK Secret / Sacred: This label should be used when you want to let external users know that the material that is openly circulating contains secret/sacred information and that it has specific conditions of access and use. These conditions potentially include restrictions upon access. Using this label helps to alert external users that this material is special and requires respectful and careful treatment. It asks users to make different decisions about using it and, importantly, to discuss any potential use with you. The label is correcting a misunderstanding about the significance of this material and therefore its circulation conditions. It is letting users know that because of its secret/sacred status it is not, and was never free, public and available for everyone at anytime. This label asks you to think about whether you should be using this material and to respect different cultural values and expectations about circulation and use.

7. TK Community use Only: This label should be used when you would like external users to know that this material is subject to certain conditions of circulation namely that this material is usually not circulated beyond the family, clan or community. It is not, and never was, free, public and available for everyone at anytime. Since these conditions have not historically been recognized, this label helps make these conditions clearer for future users. Specifically it asks them to respect culturally specific rules of use and to make different and fair decisions about using this type of material.

8. TK Attribution: This label should be used when you would like anyone who uses this material to know who the correct sources, custodians, or owners are. This is especially useful if this material has been wrongly attributed or important names of the people involved in making this material or safeguarding this material, are missing. This label allows you to correct historical mistakes in terms of naming and acknowledging the legitimate authorities for this material. This label asks for future users to also apply the correct names and attribution.

9. TK Women Restricted: This label should be used when you want to let external users know that the material circulating freely is actually of a highly restricted nature. This is a woman's highly restricted label and indicates that there are restrictions of access and

use based on customary law. Given its nature it is only to be accessed and used by authorized (and/or initiated) women in the community. If you are an external third party user and you have accessed this material, you are requested to not download, copy, remix or otherwise circulate this material to others. This material is not freely available within the community and it therefore should not be considered freely available outside the community.

10. TK Men General: This label should be used when you want to let external users know that the material circulating should only be shared between men in the community. This is a men's general label and indicates that there are restrictions of access and use to men based on customary law. This label can be used to help external users recognize that with this material there are specific protocols and conditions of use. This label is designed to recognize that some knowledge is gendered, and that certain knowledge can only be shared among specific members of the community. It is usually only to be accessed and used by men in the community. If you are not from the community and you have accessed this material, you are requested to not download, copy, remix or otherwise circulate this material to others without permission.

11. TK Men Restricted: This label should be used when you want to let external users know that the material circulating freely is actually of a highly restricted nature. This is a men's highly restricted label and indicates that there are restrictions of access and use based on customary law. This label can be used to help external users recognize that with this material there are very specific protocols and conditions of use. This label is designed to recognize that some knowledge is gendered, and that certain knowledge expressions can only be shared among specific members of the community. Only authorized (and/or initiated) men within the community should be using this material. Given its nature it is only to be accessed and used by authorized [and initiated] men in the community. If you are an external third party user and you have accessed this material, you are requested to not download, copy, remix or otherwise circulate this material to others. This material is not freely available within the community and it therefore should not be considered freely available outside the community.

12. TK Non-Commercial: This label should be used when you would like to let external users who have access to your material know that it should only be used in non-commercial ways. You are asking users to be respectful and fair with your cultural materials and ask that it not be used to derive economic benefits or used in any way that makes it into a commodity for sale or purchase. This material has been designated as being available for non-commercial use. You are allowed to use this material for non-commercial purposes including for research, study or public presentation and/or online in blogs or non-commercial websites. This label asks you to think and act with fairness and responsibility towards this material and the original custodians.

13. TK Commercial: This label should be used when you are happy for an external user to use your cultural material in any way, including deriving future economic benefit. With

commercial use you will have no control over how the work is circulated. We would encourage you to establish contact information to help you have direct negotiations with those external parties who would like to use your work under this label. This is in order to help prevent derogatory treatment and cultural offense. While the source community does not have copyright ownership of this material, it may still be protected under copyright and any commercial use will need to be cleared with the copyright holder. Regardless of the copyright ownership, you are asked to pay special attention to the community's protocols and not use this material in any way that could constitute derogatory treatment and/or any other use that could constitute community or cultural harm.

Figure 3: Traditional Knowledge labels from http://localcontexts.org/tk-labels/

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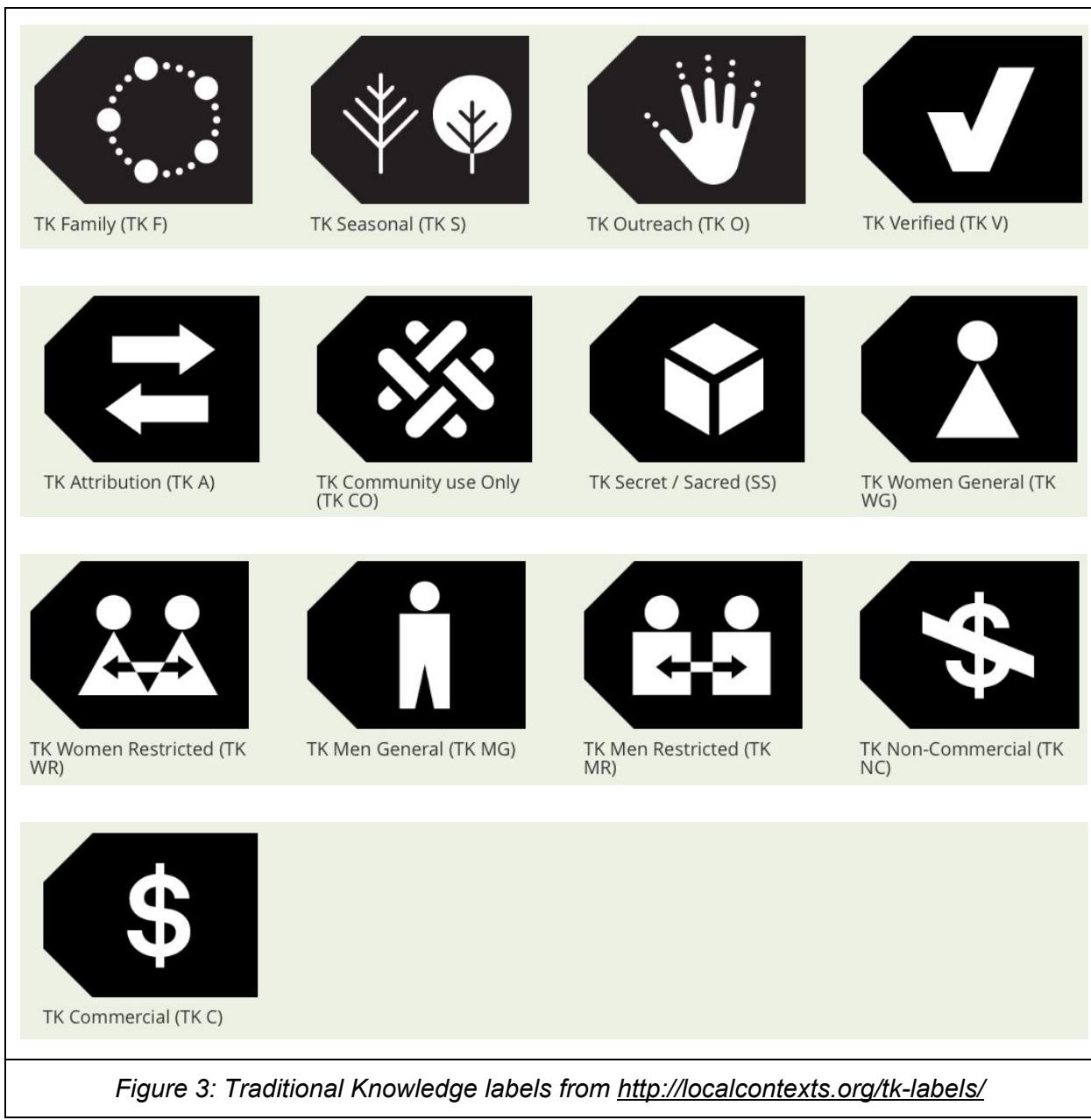
You can customize the text of any of the TK Labels to suit your community needs and to articulate your own community's cultural protocols. You can also change the name of the Label into your own language. You can choose which Labels are the most appropriate to your context, rework, and rewrite them and then have a collection that are specific to your community or context. You can then share these customized Labels with any institution that holds your cultural heritage. The TK Labels are not legally binding. They are cultural and social guides for action and promote the recognition of inherent and ongoing Indigenous rights to determine the correct and appropriate ways of listening, viewing, experiences Native, First Nations, Aboriginal, and Indigenous cultural heritage.

The badges, combined with Mukurtu's free, mobile, and open-source platform, do an exceptional job making Traditional Knowledge accessible to indigenous communities. The platform allows the communities to regulate the access of specific content from certain user groups by providing users with different access and permissions levels. For example, access can be restricted to male or female only content as certain users can only access certain content after they have received the permission to do so. This effectively addresses the challenge of permitting Traditional Knowledge while retaining control over its use. In addition, the content management system provided by Mukurtu has basic Geographic Information System (GIS) capabilities that allow their users to map specific activities such as hunting or fishing, though they are limited.[3]

Opportunities For Use

An advantage to the badges developed by Local Contexts is that they are very tailored to the specific needs of indigenous communities, such as in the case of the male or female only badges. A second advantage to the badge system is that the labels also inform the public of any misunderstandings about the circulation options and the moral issues involved when accessing the content. A third advantage to using these labels is that they are customizable and can be tailored to the specific needs of the community using them. This is a great way of making the labels more applicable to diverse situations and needs.

Limitations

Local Contacts asks that indigenous communities create the labels and work with any affiliated organizations to make sure that their Traditional Knowledge is correctly labelled. This may pose challenges to heritage organizations, and additional collaboration makes the process of labelling the knowledge considerably slower. That being said, this also provides the organizations involved an opportunity to build stronger relationships with the communities that have provided their knowledge.

Most digital collections management systems cannot restrict access by license or label, whether or not they offer the ability to use the license. Be aware of which materials in your collection require not just clear labelling but active restriction, and make uploading decisions

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[3] http://mediasitemob1.mediagroup.ubc.ca/Mediasite/Play/9dc9cb53771e478a99514380cf232f451d

accordingly. Try to get in touch with the developers of the tool you're using, and ask if there are options to coordinate label usage and access through technical means.

Many of the labels were designed with the interests of indigenous populations from the United States in mind that may not have addressed some of the challenges faced by Canadian communities, such as the region-specific licenses proposed by University of Ottawa's Canadian Internet Policy and Public Interest Clinic[4] and Carleton's Geomatics and Cartographic Research Centre[5].

Proposal For An Open Licensing Scheme By CIPPIC & GCRC

A 2016 report from the University of Ottawa's Canadian Internet Policy and Public Interest Clinic (CIPPIC)[6] and Carleton's Geomatics and Cartographic Research Centre (GCRC)[7] proposes a strategy for protecting traditional knowledge that is shared in the digital and online context through the use of template licences that will allow Indigenous communities to set the parameters for information sharing consistent with cultural norms. The 11 license terms proposed in the report are as followed:

1. Give Back/Reciprocity: This license obliges users of the knowledge to give any research they create to the communities. This may include providing relevant communities with copies of any research articles or reports, providing access to projects created using the knowledge, or giving communities a portion of any remuneration received from distributing the knowledge.

2. Community Consent: This term refers to the users obligation to obtain consent to use traditional knowledge from relevant communities. The process required to gain consent however, is dependant upon the community.

3. Use-Based Consent; Non-Commercial: A Non-Commercial license restricts researchers and other users from using Traditional Knowledge for commercial gain. Interested parties may still contact the communities necessary to negotiate for the use of Traditional Knowledge, but additional terms, such as the requirement to pay a fee may be imposed. This label reflects the desire of many communities that their knowledge may be used for educational purposes. The licensor may wish to be specific and stipulate certain uses that are allowed, such as the use of knowledge for local hunters from the community.

4. Use-Based; Education and Research Only: This license focuses on the nature that Traditional Knowledge is restricted to research and educational purposes only. This

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[4] https://cippic.ca/sites/default/files/file/CIPPIC_GCRC--TK_License_Proposal--July_2016.pdf (PDF)
[5] https://gcrc.carleton.ca/index.html?module=module.gcrcatlas_indigenousknowledge
[6] https://cippic.ca
[7] https://gcrc.carleton.ca/index.html

requirement is much more strict than a "Non-commercial clause" because it prohibits non-commercial uses that are not for the specific purposes of education or research.

5. Attribution/Identification: An Attribution license obliges users to give credit to the original contributor of the knowledge. This must be done in accordance with any community expectations and may involve giving additional credit to different people that may be more than what is expected from traditional copyright law. For purposes of clarity, the report suggests that labelling this term as "Identification" may assist to distinguish between this TK attribution obligation and ordinary copyright attribution.

6. Community Attribution/Identification: A Community Attribution license obliges users to give credit to the community of the knowledge as a whole as some knowledge is not seen as being owned by one individual.

7. Hosted Within The Region: Some communities want projects using their Traditional Knowledge hosted in the North (for example, the Inuvialuit Regional Corporation in Inuvik) and not on servers situated in southern cities. In some cases, an agreement between a community and a licensee may alleviate these concerns. However, in cases where knowledge is shared and hosted amongst multiple communities in the North, broader obligations set out in the license itself are appropriate to secure these expectations. This term could have unintended consequences for the publication and distribution of findings based on TK, and thus the subject matter of the license should be considered before this term is deployed in a license.

8. No Sharing or Personal Use Only: This license would prevent external users from sharing knowledge outside of a specified set of users or communities.

9. No Publication: This requirement obliges any users to make a request to the community for any publication of documents obtained or created from the TK presented.

10. Share Alike: The Share Alike license requires that any derivative works created using specific knowledge be released under an identical license. Attaching this requirement ensures that future works adhere to the community's expectations for use of the knowledge.

11. Consent Can Be Withdrawn: This requirement allows individuals and communities to withdraw consent from the project if they find that their knowledge and/or community is misrepresented, or if the licensor fails to follow the process originally agreed upon.

Similar to the labels in use by Local Contexts, users would be able to use multiple licenses, though there are some restrictions in order to avoid confusion. For example, a Share Alike license cannot be combined with a Community Consent license because the Community Consent term requires the community to consent to the use of any derivative works.

Creating a License: Terms, Concerns and Compatibilities

The charts below represent the kind of information that can assist TK holders with the development of licenses that suit their needs and circumstances.

Concerns, and terms that can address them:

Expectations	Requirements that could cover this concern									
	GB	CC	UC	NC	BY	HC	NS	NP	SA	CW
"I don't want my knowledge to be used by commercial hunters"		X	X	X			X			X
" I don't want my knowledge to be used by mining companies"		X	X	X			X			X
"I want to ensure that the community benefits from sharing this data"	X					X				
"I want the community to retain control over their traditional knowledge"		X				X			X	X
"I would like to retain control over how my knowledge is used"			X			X			X	X

Table 1 from
https://cippic.ca/sites/default/files/file/CIPPIC_GCRC--TK_License_Proposal--July_2016.pdf

Opportunities For Use

A benefit to adopting the terms suggested in the proposal above is that many of the labels are quite specific and tailored to potential indigenous issues, which will allow these communities to better convey their intentions and rationale. Additionally, similar to the labels suggested by Local Contexts, these terms would be very beneficial in raising awareness about Traditional Knowledge as well as some of the challenges the communities face trying to protect their knowledge. A third benefit to these labels is that they were designed in Ontario through the collaboration of various native communities and two universities.

Limitations

These proposed terms are currently not available, so organizations would need to develop and implement their own labels based on the suggestions in the proposal. This may

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provide institutions an opportunity to get into contact with the relevant communities and universities to develop a system that could effectively capture many of the issues surrounding Traditional Knowledge.

A second limitation to the report is that many of the labels were developed with northern indigenous populations in mind, so it is likely that other labels would need to be developed to address other issues. For example, Local Contexts provide users with male- and female-only badges that are not addressed in the proposal.

Comparison Charts

Legend:

Y - The label, tool, term, or statement currently provides this option

N - The label, tool, or statement does not provide this option currently

N/A - Not Applicable

* - Special circumstance accompanied by a footnote

Technical Specifications

	Creative Commons	Rights Statements	Local Contexts	CIPPIC & GCRC Report
1. Is the tool, label, or statement available now?	Y	Y	Y	N
2. Are the tools, labels, or statements customizable?	Y*[8]	N	Y	Y
3. Is it possible to use the labels, statements, or tools in combination with each other	N/A	N/A	Y	Y
4. Does the label, tool, or statement have a Human-Readable Layer	Y	Y	Y	Y
5. Does the label, tool, or statement have a Machine-Readable Layer	Y	Y	N*[9]	Y
6. Are the tools, labels, or rights statements legally enforceable?	Y*[10]	N	N	N

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[8] Creative Commons licenses can be customized, however once they are edited they are no longer considered Creative Commons licenses.

[9] Presently, Local Contexts does not have machine-readable labels, but they intend to design machine-readable labels with the grant they currently have.

[10] Creative Commons licenses are legally enforceable, but only if they are currently in copyright.

Label-Specific Requirements

Requirement	Creative Commons	Rights Statements	Local Contexts	CIPPIC & GCRC
1. Is there a label, term, or statement that has a male only restriction	N	N	Y	N
2. Is there a label, term, or statement that has a female only restriction	N	N	Y	N
3. Is there a label, term, or statement that has a status restriction (e.g. Elders only)	N	N	N*[11]	N
4. Is there a label, term, or statement that has a restriction based on a role within their community (e.g. Healer)	N	N	N*[12]	N
5. Is there a label, term, or statement specifying the context in which the work can be reproduced	Y	Y	Y	Y
6. Is there a label, term, or statement specifying the context in which the work can be edited	Y	Y	Y	Y
7. Is there a label, term, or statement specifying the context in which the work can shared	Y	Y	Y	Y
8. Is there a label, tool, or statement that denotes the importance of a symbol or ritual represented in the work (e.g. Sacred religious symbols, items, or rituals)	N	N	Y	N
9. Is there a label, term, or statement that has a human remains access restriction	N	N	N	N

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[11] Local Contexts does not have a specific label for setting status restrictions, however, the Content Management System that Mukurtu provides can do this.

[12] Local Contexts does not have a specific label for setting status or occupational restrictions, however, the Content Management System that Mukurtu provides can do this.

10. Is there a label, term, or statement that has a regional restriction	N	N	N	Y
11. Is there a label, term, or statement that provides current copyright status (e.g. No copyright, Copyright status unknown)	Y	Y	N	N
12. Do the labels, terms, or statements inform viewers of the importance of Traditional Knowledge rights	N	N	Y	Y
13. Is there a statement that accompanies each restriction to inform users of the works current status (A statement written by the author on the intended use of the content)	Y	Y	Y	Y
14. Is there a label, term, or statement that has familial restrictions (e.g. Only users from a particular family may use the information)	N	N	Y	N
15. Is there a label, tool, or statement that has community restrictions (e.g. Only users from a particular community may use the information)	N	N	Y	Y
16. Does the label, tool, or statement allow author(s) to state how they wish the material to be used, in addition to the label, tool, or statement	Y*[13]	N	Y	Y
17. Is there a label, tool, or statement that has a seasonal restriction	N	N	Y	N
18. Is there a label, tool, or statement that has educational-use restrictions	Y	Y	Y	Y
19. Is there a statement that requests that users using the Traditional Knowledge ask a community for permission for the work to be posted/uploaded	N	Y	N	Y
20. Is there a label, tool, or statement for	Y	Y	Y	Y

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[13] Authors may state how they wish the material to be used, but to do so may mean that they no longer fall under the Creative Commons License.

the commercial status of an item				
21. Is there a label, tool, or statement that has information on other known legal restrictions (e.g. Copyright in Europe)	N	Y	N	N
22. Is there a tool, label, or statement that obliges users to give back to a community who has contributed their Traditional Knowledge	N	N	Y	Y
23. Is there a label, tool, or statement that has a personal-use restriction (e.g. For use by one person only unless they have specifically shared the knowledge)	N	N	N*[14]	Y
24. Is there a label, tool, or statement that has a publication restriction (e.g. The community or author should be consulted before publishing)	N	N	N	Y
25. Is there a label, tool, or statement that has an age restriction (e.g. Knowledge that is only available to those who have completed a coming of age ceremony)	N	N	N*[15]	N
26. Does the label, tool, or statement inform users that consent from a community may be withdrawn if they find their knowledge is being misrepresented or if the licensor fails to follow the process originally agreed upon	N	N	N	Y
27. Do the tools, labels, or statements provide users with information on who the author or contributors are	Y	Y*[16]	Y	Y

Applications

Canadian and Ontario heritage organizations dealing with localized knowledge labelling needs may wish to work locally instead of thinking large-scale. Using the above licensing and

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[14] Local Contexts does not have a specific label for setting personal use restrictions; the Content Management System that Mukurtu provides can do this.

[15] Local Contexts does not have a specific label for setting age restrictions; the Content Management System that Mukurtu provides can do this.

[16] Rightstatements allow authors to provide information on who they or any contributors are.

labelling works as examples can help organizations to support more local indigenous communities or individual users. Currently, very few indigenous communities in Canada have a library or archiving system in place.[17] Working from these labelling systems as examples, a localized development may allow indigenous or other communities to create their own repositories that they can then share to the public as they see fit.

Existing collections management systems rarely offer the ability to restrict access to content based on the demographics of the user; however, the development of user permissions may be beneficial to heritage organizations of all kinds: communities can regulate the access of specific content from certain user groups by providing users with different access and permissions levels as is seen in the Mukurtu open-source platform. These types of add-ons will allow any person, group, community, or organization uploading data to effectively retain control over their content while permitting the use of it in the ways they want. Heritage organizations can facilitate collaboration with both technical developers of CMSes and local populations with access and privacy needs.

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[17] http://mediasitemob1.mediagroup.ubc.ca/Mediasite/Play/9dc9cb53771e478a99514380cf232f451d

Further Reading

Intellectual Property Issues in Cultural Heritage (IPinCH)

       The Intellectual Property Issues in Cultural Heritage (IPinCH) project is an international collaboration of archaeologists, Indigenous organizations, lawyers, anthropologists, ethicists, policy makers, and others, working to explore and facilitate fair and equitable exchanges of knowledge relating to heritage. The project is based at Simon Fraser University, in British Columbia, and is concerned with the theoretical, ethical, and practical implications of commodification, appropriation, and other flows of knowledge about the past, and how these may affect communities, researchers, and other stakeholders. Their work explores the rights, values, and responsibilities of material culture, cultural knowledge and the practice of heritage research.

       George Nicholas, Professor of Archaeology at Simon Fraser University, is leading the project, working to explore and facilitate fair and equitable exchanges of knowledge relating to archaeology and cultural heritage. Under his direction, the team aims to identify a range of intangible cultural heritage, IP and ethical concerns faced by researchers, communities, and others, and use this information to generate ideas for norms of good practice and theoretical insights on the nature of knowledge, IP, and culture-based rights. Areas of particular concern for their research is on and access to cultural material and cultural heritage sites (including implications of applying both Indigenous and Western legal frameworks), cultural tourism, censorship, commercial use of rock art and other images, open vs. restricted access to information, applications in new products, bioarchaeology and the uses of ancient genetic data, legal protections, and research permissions and protocols.[18]

FirstVoices

       FirstVoices is a web-based platform that focuses specifically on archiving language, and supports culture revitalization and language learning.[19] The archive contains thousands of text entries in many different indigenous writing systems, each accompanied by a sound clip that allows users to listen to the audio recording of how to pronounce the word.

Louis Toolkit

       The Louis Toolkit is a data management solution for indigenous communities that want to focus predominantly on a geographic related context. This tool supports photos, multimedia, text, and spatial features linked together and organized as interviews and field trips to retain context. LOUIS Heritage specifically, allows communities to store, manage and use all their Traditional Knowledge information together. LOUIS Heritage keeps communities in control to preserve, protect and promote their Traditional Knowledge and values.[20]

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[18] http://www.sfu.ca/ipinch/about/project-description/
[19] http://www.firstvoices.com/en/about#info2
[20] https://louistoolkit.ca/ourtools/heritage/heritage-details/

Resources

Canadian First Nation Communities

First Peoples' Language Map of British Columbia

First Peoples' Cultural Council summary of FirstVoices

FirstVoices

Local Contexts

Louis Toolkit

CIPPIC, CLTS, & GCRC label proposal

Mukurtu

Creative Commons

World Intellectual Property Organization

Rightstatements.org

RightsStatements Recommendations for Standardized International Rights Statements (PDF)

RightsStatements Requirements for the Technical Infrastructure for Standardized International Rights Statements (PDF)

Indigitization Futures Forum Summary

Indigitization Futures Forum, June 2016 (Video)

2016 OCUL Digital Curation Summit program with presentation slides

Archives Association of British Columbia - Talking With First Nations Archives (Video)

Lyons, N., Schaepe, D. M., Hennessy, K., Blake, M., Pennier, C., Welch, J. R., ... & Hall, L. (2016). Sharing deep history as digital knowledge: An ontology of the Sq'éwlets website project. (PDF) *Journal of Social Archaeology*, *16*(3).