



FNIGC | CGIPN

First Nations Information Governance Centre
Le Centre de gouvernance de l'information des Premières Nations

First Nations Rights – Intellectual Property Wrongs

**CIPO-CIGI 5th Annual IP Data
and Research Conference**

March 24, 2022

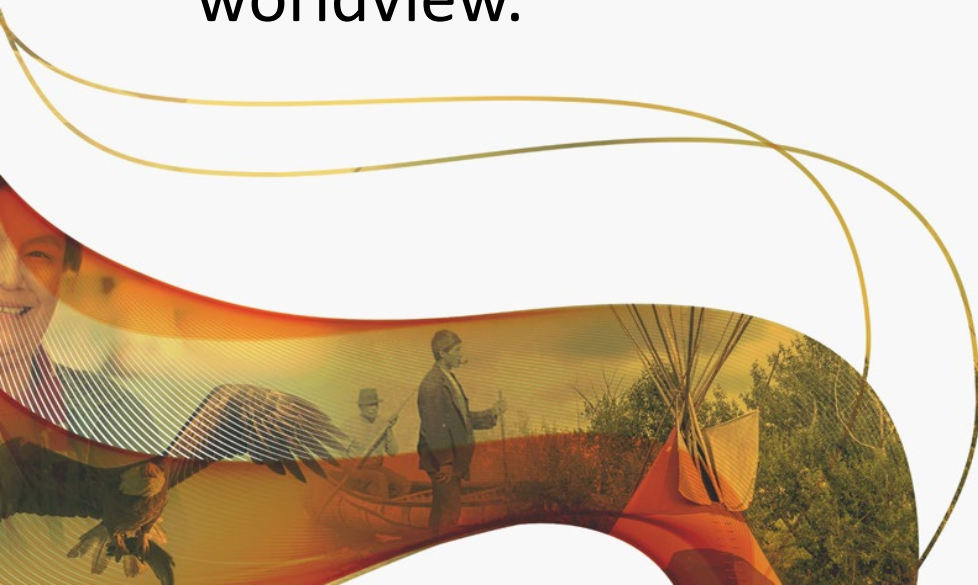
About FNIGC

VISION

The FNIGC envisions that every First Nation will achieve data sovereignty in alignment with its distinct worldview.

MISSION

With First Nations, we assert data sovereignty and support the development of information governance and management at the community level through regional and national partnerships. We adhere to free, prior and informed consent, respect nation-to-nation relationships, and recognize the distinct customs of nations.



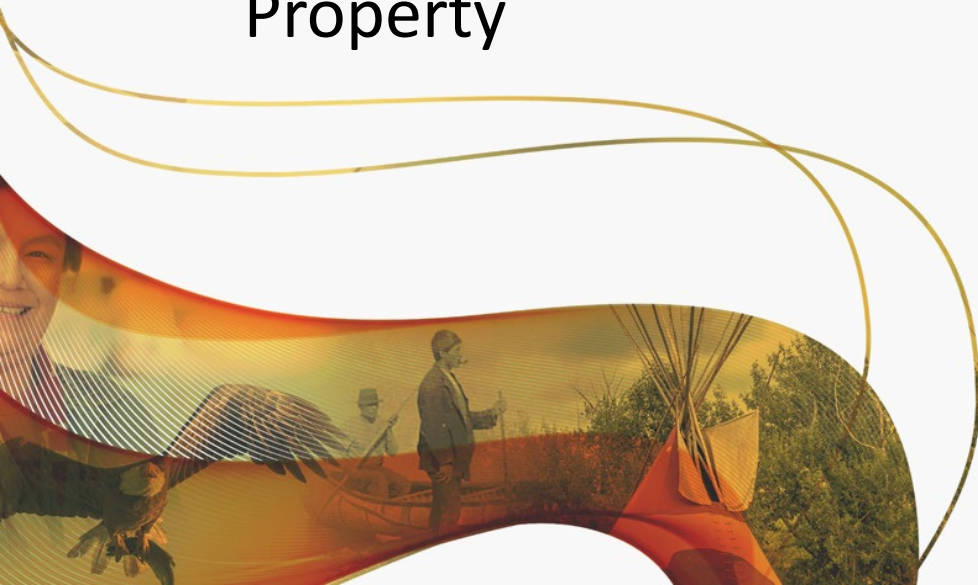
First Nations Rights

Rights

- Self-Determination
- Self-Government
- Control their Intellectual Property

Source or Recognition of Rights

- Inherent Rights
- Treaty Rights
- Constitution of Canada, s.35
- United Nations Declaration on the Rights of Indigenous Peoples
- Federal UNDRIP Act





FIRST NATIONS DATA SOVEREIGNTY

- Data sovereignty is an inherent right
- It is essential to good governance
- First Nations assert and seek respect for their data sovereignty to fulfill the promise of their other rights
- This includes with respect to their intellectual property

WHAT IS FIRST NATIONS DATA?

Language, regalia,
stories, songs,
ceremonies, etc.

**Data from
First
Nations**

Demographics,
housing, health,
labour, education,
etc.

**Data
About
First
Nations**

**Data on
Resources &
Environment**

**Lands, Waters, Medicines,
Resources**



FIRST NATIONS PRINCIPLES OF OCAP®

- OCAP® stands for: Ownership, Control, Access, and Possession
- Principles of First Nations data sovereignty as determined by each First Nation
- Reflect First Nations commitments to use and share information in a way that brings benefit to the community, while minimizing any possible harm



Current Intellectual Property System and First Nations

- Offends First Nations Principles of OCAP®, rights to data sovereignty, Article 31 of the UN Declaration and constitutionally questionable
- Fosters ongoing abuse, facilitates the demise of First Nations cultures, and undermines First Nations economic opportunities
- Predicated on a worldview of scarcity, individualism, and monopoly, in contrast to First Nations laws of balance, sharing, and reciprocity

Moving Forward

FNIGC with funding from ISC is:

- Exploring differences in world view between First Nations and that expressed by the current regime
- Researching First Nations interests respecting orphan works and artists resale rights
- Reflecting on the development of new WIPO agreements on traditional knowledge, traditional cultural expressions, and genetic resources
- Developing a forward-looking research agenda and development of positive solutions to current challenges, including opportunities for co-development of new law or policy

Vision for the Future

- Canada must challenge the international regime to respect UNDRIP and insist on measures that meet Constitutional obligations.
- We need new processes for consultation, free, prior, and informed consent, and co-development
- A new system must recognize multiple legal orders and accommodate different worldviews
 - Address the economic inequality inherent in the system to foster First Nations financial opportunities for their health and well being





Thank you

**For more information, please visit
WWW.FNIGC.CA**



Women and IP: Promoting Inclusion in the Innovation Ecosystem

The IAC Action Plan

IAC helps Canadian SMEs better understand, generate, commercialize and protect their IP

Selected by the department of Innovation, Science and Economic Development (ISED) to support SMEs, Innovation Asset Collective (IAC) is an independent membership based not-for-profit focused on supporting Canadian SMEs, including those in the data-driven clean technology sector (DDCT), with their IP needs.

WHY IAC?

IAC Members have access to four service streams that address and support specific IP needs.



***Education
Platform &
Services***



IP Funding



***IAC Patent
Portfolio***



***Market
Intelligence***

Program Background

- IAC partnered with the University of Windsor on a study led by Myra Tawfik and Heather Pratt on the underrepresentation of women in the IP ecosystem in Canada, with a specific focus on the data-driven cleantech sector.
- The study captured findings from interviews conducted from July-November 2021 with 21 subjects on 5x themes: systemic biases, access to funding, dealing with experts, corporate culture, and lack of networks and mentors.
- The study recommended action in all of these areas, to build capacity for women in the IP field but in doing so also create a framework to replicate with other equity-seeking groups.
- IAC will leverage these recommendations in creating a program for Women in IP with different tiers of engagement

INAUGURAL FORUM for WOMEN ENTREPRENEURS & IP

FOCUS ON SOLUTIONS

- SUPPORTING WOMEN
- IDENTIFYING CHALLENGES in the CLEAN TECH & DATA-DRIVEN SECTOR

FEW WOMEN are INVENTORS, PATENT OWNERS or PARTNERS.



WOMEN APPROACH THINGS from a DIFFERENT LENS

DIVERSITY = SUCCESS & RELEVANCE

HOW DO WE MAKE the TENT BIGGER?



2018 IAC WAS BORN BY the CANADIAN GOV'T FUNDING for INNOVATION STRATEGY



• WOMEN-LED SUCCESS STORIES

* DATA-DRIVEN CLEAN TECH IS A HOT TOPIC & MALE DOMINATED!



WOMEN NEED to be HEARD!

CHANGE the CULTURE

WOMEN MAY BE MORE FOCUSED on the SOLUTION THAN the CREDIT

NETWORKS

FINANCE

DIFFERENT PERSPECTIVES and BIASES

BETTER SOLUTIONS

GIVE WOMEN a SEAT at the TABLE



BUILD AWARENESS to CORRECT these DYNAMICS



SYSTEMIC ISSUES

IP EXPERTS

SYSTEMIC BIASES



CLEAN TECH & DATA DRIVEN SPACES are MALE DOMINATED

♀ ENGINEERS and SCIENTISTS NUDGED into MORE ADMIN or TESTING ROLES

WOMEN LESS LIKELY to SELF-PROMOTE

BIASES THAT FOLLOW you FROM SCHOOL

WOMEN ARE UNDERREPRESENTED in UNIVERSITIES & COLLEGES

TO GET FUNDING, I SENT in MY MALE EMPLOYEE...

NO ONE LISTENS to ME...



REWARDS EVALUATIONS PROMOTIONS

★ WHAT CAN WE TACKLE?

2022 IAC GRANT for FEMALE OWNED, FOUNDED or LED COMPANIES

BUILD CONFIDENCE

NETWORKING! CONFIDENCE TO ASK QUESTIONS LEADS TO BETTER SOLUTIONS

SAFE SPACES

INFORMAL ADVICE IS FREE

TRUST



IMPORT 00♀ FOUNDERS



PEER LEARNING

SOCIALIZATION BUILDING RELATIONSHIPS



ANONYMIZE the PATENT APPLICATION to GET RID of BIAS for WOMEN

GIVE ♀ A CHANCE to do WHAT THEY DO BEST the WAY they DO BEST!

SHARE FAILURES

BREAK BARRIERS TREAT WOMEN EQUALLY!

A note on inclusion

IAC uses the term “woman” throughout our gender-focused programming, but to clarify:

*At IAC, when we say “woman” we mean:
cis and trans, two-spirited, non-binary, gender-diverse
individuals, and anyone who chooses to identify as
such.*

Solutions – Pillars of Engagement

Program 1 – Community & Networking (by end of May 2022):

- Access to funding (Twice-annual Grant Program)
- Establishing a community of practice
- Virtual and live networking events (local chapters in Toronto, Calgary, Ottawa)

Program 2 – Outreach (by September 2022):

- Public fora (virtual) twice a year

Program 3 – Policy & Advocacy (by March 2023):

- EDI Training for IAC
- EDI policy at IAC with implementation roadmap for member companies

Program 1: Grant

To tackle the inequitable gender balance in patent filing, IAC has implemented a twice-annual grant for women to fund IP.

Eligibility:

- Companies must be led, founded, or owned by women
- Companies must be IAC members (associate or full)
- Like the other grants, successful applicants must demonstrate a considered IP Strategy and how this funding would support it

Funding available:

- \$50k available, twice a year, every year

2022 Dates:

- March & October – open for two weeks
- First round is open until March 31!

Program 1: Community of Practice

To foster relationships between founders and IP experts, IAC will work with a group of experts to develop a community of practice with an online and in-person presence

Eligibility:

- Anyone who identifies as a woman in the innovation sector either seeking IP expertise or willing to provide it

Goals:

- To enable the establishment and growth of this community, but not dictate the way it evolves. Communities of practice are inherently member-driven, and so content and engagement parameters can and should be directed by all members of the community.
- Championship, knowledge sharing, broadening networks.

Program 1: CoP cont'd

LinkedIn Group

- Structured & unstructured communication
- Advice, connections

Networking Events

- In-person events in hubs with the most community members (Toronto, Calgary, Ottawa)
- Partnership opportunities with existing groups
- Identify shortlist of priority topics based on consultation feedback

Program 2: Public Events & Outreach

- There is a high degree of interest in informational public events, with a reported preference towards virtual engagement
- Events will be open to any individual, regardless of gender identity, in order to centre topics identified as valuable by the community to the IP space at large, as well as draw on the deepest possible breadth of expertise
- Event topics may include IP and IP-adjacent topics (e.g. pitching, HR)

Program 3: Policy & Advocacy

To create and promote a culture of equity, diversity, and inclusion in the innovation sector, and agitate for systemic change.

- **Full-staff EDI training at IAC**
- **Develop policy with an EDI framework**
 - Leveraging that training to create operational policy for IAC to best serve the IP ecosystem and members, particularly when they represent equity-seeking groups
- **Create a roadmap for IAC Members & Partners**
 - Develop recommendations that support member companies in developing and implementing similar framework in their own companies
 - Support our channel partners in prioritizing EDI

Next Steps

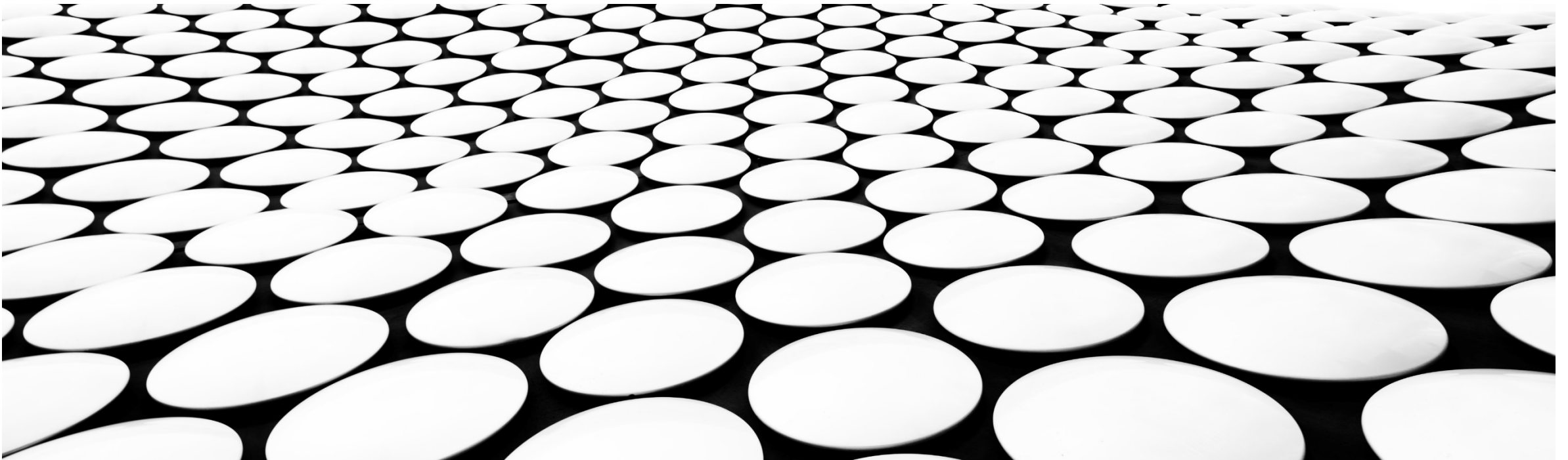
- Interested in joining the community? Email education@ipcollective.ca
- Partner with us: email partner@ipcollective.ca
- Connect with us:
 - Lori DeGraw, ldegraw@ipcollective.ca
 - Julia Culpeper, jculpeper@ipcollective.ca

The Awareness and Use of IP by Underrepresented Groups in Canada: Insights from Survey and Administrative Data

5th Annual IP Data and Research Conference

Eric Rowe (CIPO) and Danny Leung (StatCan)

March 24, 2022



Outline

- Survey data
 - Findings when women are the primary decision makers of a business, Intellectual Property Awareness and Use Survey, 2019
 - Satisfaction results of CIPO clients who identify as female, CIPO Client Satisfaction Survey, 2018
- Administrative data
 - Findings on patent applications by women-owned businesses from the Canadian Patent Research Database

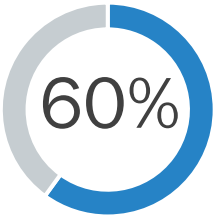


Woman and IP – Intellectual Property Awareness and Use Survey, 2019

Canadian businesses with females as the primary decision-makers had more positive outcomes on a number of metrics than their male counterparts. Only a few metrics had relatively negative outcomes in comparison.

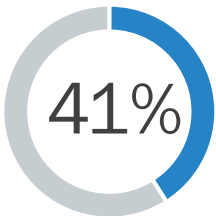
When women are primary decision-makers of business

IP Familiarity



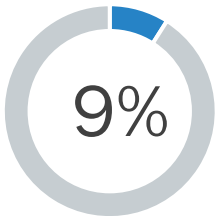
are familiar with one type of IP.

IP Knowledge



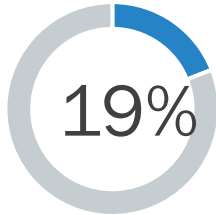
demonstrated basic IP knowledge.

Sought Information



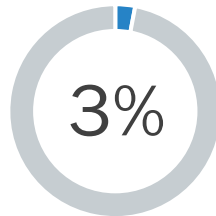
sought IP information, guidance or advice.

IP Ownership



owned one type of IP in Canada.

IP Filing



filed/registered any type of IP protection (past 3 years).

Positive outcome, top gaps, female vs male primary decision maker			
Metric	% of Female Primary Decision Makers	% of Male Primary Decision Makers	Gap (Ratio)
Participated in at least one IP ownership-related activity	13.2%	9.7%	1.4
Filed for or registered any type of IP protection	4.1%	3.3%	1.2
Participated in at least one strategic activity regarding their IP	14.7%	12.0%	1.2

Negative outcomes, top gaps, female vs male primary decision maker			
Metric	% of Female Primary Decision Makers	% of Male Primary Decision Makers	Gap (Ratio)
Had IP that they chose not to formally protect	9.0%	5.4%	1.7
No IP-related expenditures	93.1%	92.4%	1.01

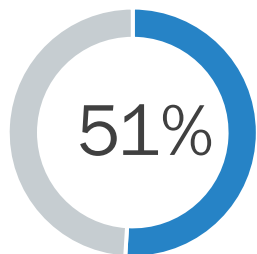


Woman and IP – CIPO Client Satisfaction Survey, 2018

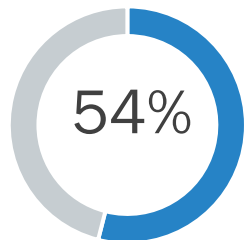
Women clients are less satisfied with CIPO services overall (51%) than male clients (55%). Women were less satisfied on most survey items (27 of 47 items).

When CIPO clients identify as female ...

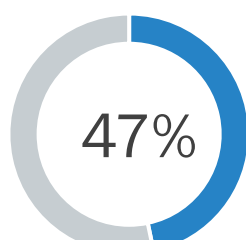
Overall Satisfaction



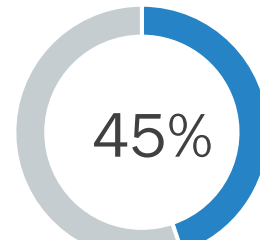
Satisfaction with Filing Process



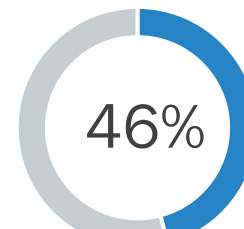
Satisfaction with Examination Process



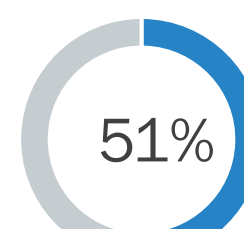
Satisfaction with Examiners' written Report



Satisfaction with timelines



Satisfaction with accessibility to services



Positive outcome, top gaps, female vs male clients at CIPO

Metric	% of Female Satisfaction/agreement	% of Male Satisfaction/agreement	Gap (Ratio)
When you spoke to an examiner(s), they were easy to understand	50%	44%	1.13
It is easy to reach the right CIPO employee to address your problem or need	43%	41%	1.07
In the end, CIPO provided you with the information you needed	60%	58%	1.04

Negative outcome, top gaps, female vs male clients at CIPO

Metric	% of Female Satisfaction/agreement	% of Male Satisfaction/agreement	Gap (Ratio)
Overall, CIPO does not make mistakes/errors when providing services	31%	37%	0.85
Overall, how satisfied are you with the time it took to a registered trademark(s) / a granted patent(s) / a registered Industrial Design]?	46%	53%	0.87
To what extent do you agree or disagree that: Products and/or services that CIPO provides are worth the cost	49%	55%	0.88

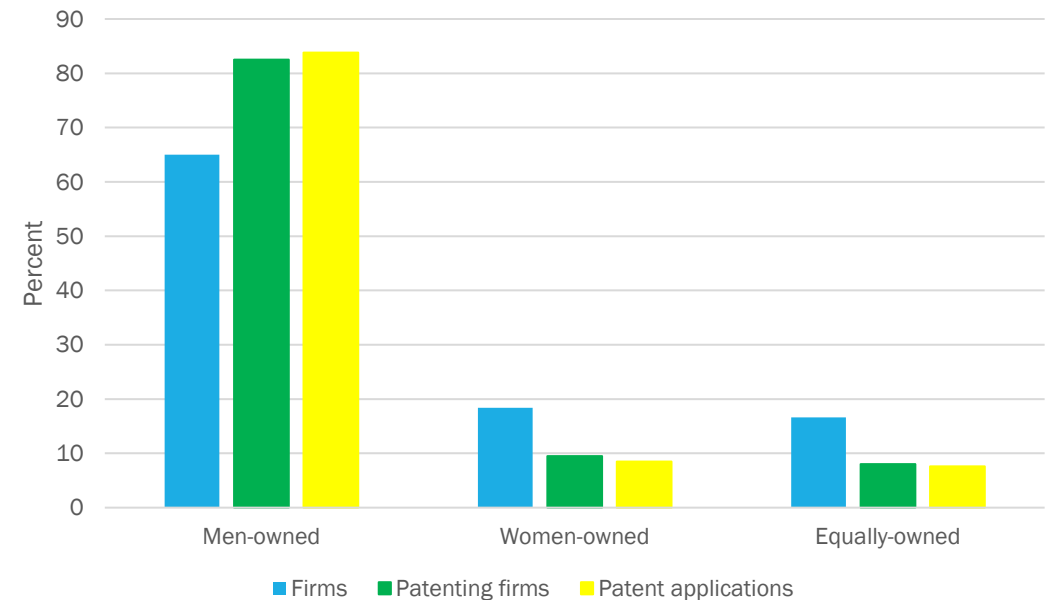
Patenting by women-owned businesses – insights from administrative data

- **Firms that file for patent applications are disproportionately men-owned**, even when compared to the population of businesses where gender of ownership can be identified
- Patent applications are even more concentrated among men-owned businesses

Data source: Canadian Patent Research Database

- Linkage of patent application data from PATSTAT to data on Canadian-resident businesses from StatCan
- Gender of ownership can be determined for Canadian-controlled private corporations and unincorporated employers

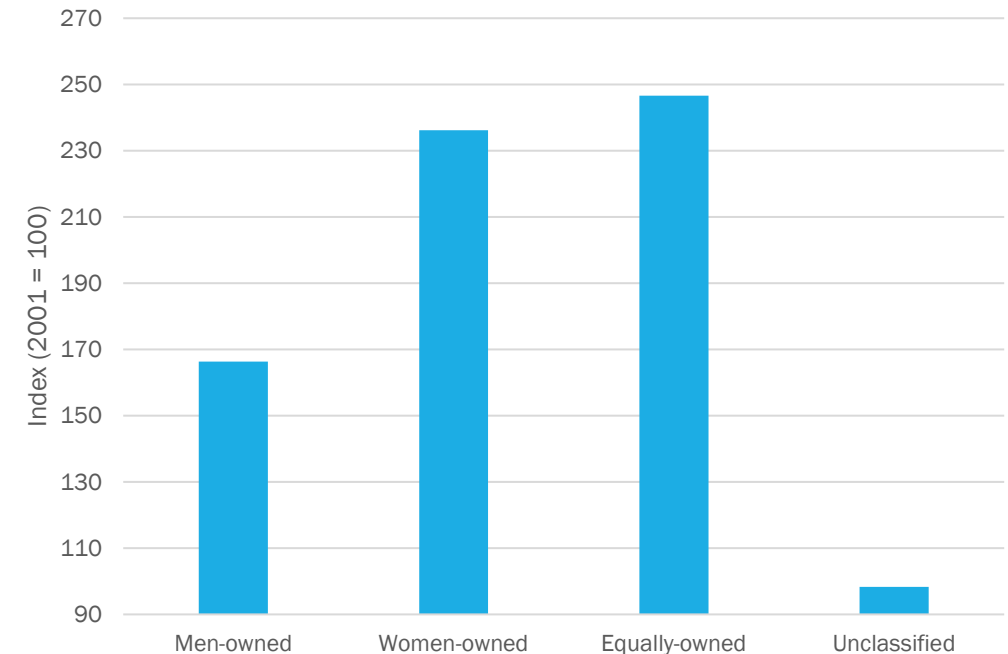
Distribution of firms, patenting firms and patent applications by gender of ownership, 2001 to 2015



The number of patent applications filed by women-owned businesses growing faster than applications filed by men-owned businesses

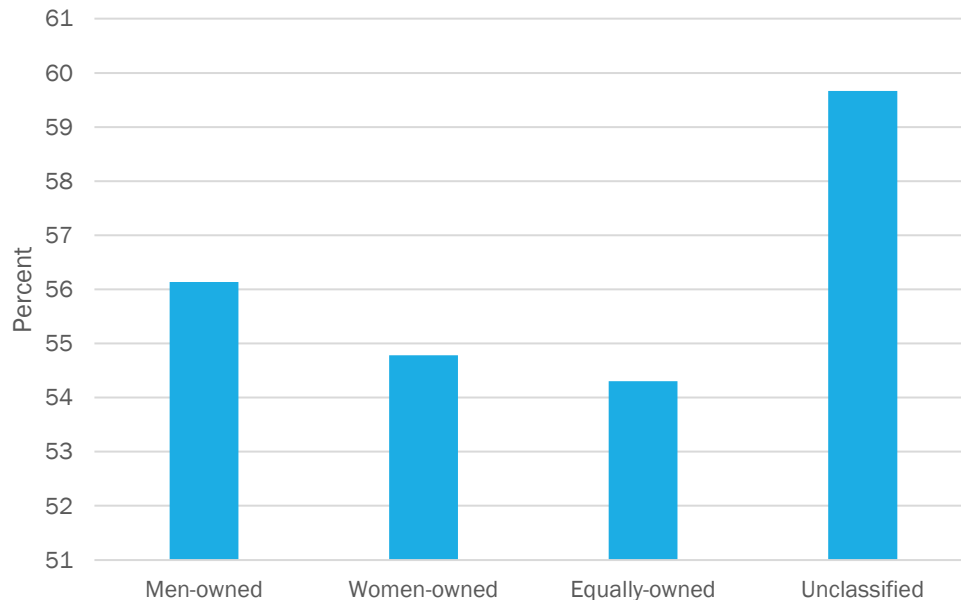
- Patent applications by women-owned businesses grew by 133% from 2001 to 2015. This is compared to 66% for male-owned businesses, and -2% for businesses where gender of ownership cannot be identified
- The growth in applications in each business category is accounted for by applications to the United States Patent and Trademark Office
- Women-owned businesses are more likely to file patent applications in chemical engineering and medical technology than men-owned businesses

Patent applications by gender of ownership in 2015 compared to 2001



Women-owned businesses are less likely to have applications granted

Grant rate by gender of ownership, 2001 to 2011



Employment size distribution of patenting firms by gender of ownership, 2001 to 2011



- The grant rate for women-owned businesses is 54.8%, slightly lower than the 56.1% for male-owned businesses.
- Grant rates are highest for firms where ownership cannot be determined which tend to be larger

Contact information

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