

# Indigenous knowledge databases

## Sovereignty, protocols & future food

**We invite you to hear from a distinguished panel talking about the protection of Indigenous Knowledge (IK) and Cultural Heritage (CH) as it relates to Indigenous Knowledge databases, with topics including Indigenous Data Sovereignty, Traditional Ecological Knowledge, and the emerging role of Blockchain technologies in protecting IK and CH.**

*Sparke Helmore proudly sponsored this event held in November 2021, hosted by AUSCL (Australian Society for Computers + Law) and APCA (Asian Pacific Copyright Association).*

IK and CH have long been recognised for their significant contribution to Indigenous communities around the world. More recently, IK and CH have also been recognised for their contribution to a number of sectors, with IK and CH poised to play an ever-growing role in the development of natural resources management, the pharmaceutical, biotechnology and food technology sectors, arts and cultural production industries.

Model regimes for the protection of IK and CH against misappropriation often involve the development of databases and registers. This is because databases and registers ensure the longevity and accessibility of IK and CH. However, this raises issues around the consent and control of such databases and whom they benefit.

The legal issues around the creation, maintenance and use of these databases are many, ranging from copyright in those databases and other forms of IP rights in relation to the data recorded in, or used in the establishment of those databases.

### Presenters

- Professor Natalie Stoianoff, Indigenous Knowledge Forum at UTS (Moderator)
- Dr Margaret Ravenwill Yamatji-Noongar (WA), Geographer, Social Policy Research Centre, UNSW
- Gerry Turpin, a Mbabaram man, Australian Tropical Herbarium, Ethnobotanist, Tropical Indigenous Ethnobotany Centre
- Dr Diana Bogueva, University of Sydney Centre for Advanced Food Engineering Manager
- Dalvin Chien, Partner, Intellectual Property & Technology at Sparke Helmore Lawyers.



[View YouTube video](#) [1.37]  
recording of this insightful  
panel discussion.

## Some key takeaways

Databases and registers are key components in regimes for the protection of Indigenous Knowledge (IK) and Cultural Heritage (CH), as they provide:

- a mechanism for preserving culture for future generations, and
- IP Offices with a baseline for what constitutes traditional knowledge, which is useful, for example, in assisting Patent Examiners to make decisions.

Some examples of existing databases and registers are the [Miromaa Database](#) and the [Atlas of Living Australia](#).

The compilation of databases and registers for IK and CH raises key issues around the best way to properly manage this data and prevent its misappropriation.

“Indigenous Data Sovereignty”, that is, the control of Indigenous Data by Traditional Owners, can be achieved by developing Protocols for the management of IK and CH. Protocols should ideally:

- be flexible
- updated in ongoing consultation with the Traditional Owners of the IK and/or CH
- set up effective and efficient systems for free, prior, ongoing and informed consent, and
- effectively bring the intertwined connections between land, country and culture into a clear and understandable regulatory system.

We hope you enjoy this presentation.

*The organisers of this event acknowledge all Aboriginal and Torres Strait Islander Traditional Custodians of Country and their continuing connection to land, sea, culture and community and pay our sincere respect to Elders past and present.*

## About Dalvin Chien

Dalvin is a technology, data and government contracting specialist, with more than 17 years' experience advising on all aspects of technology sourcing, privacy, and government contracting. Dalvin leads our Information Technology law team within our [Intellectual Property & Technology Practice](#).



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