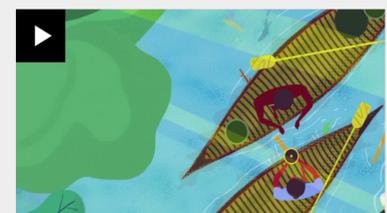




## Indigenous SMEs and Intellectual Property

For all companies small, medium or large, there is no such thing as a one-size-fits-all approach to [intellectual property](#) (IP). SMEs run by Indigenous peoples and local communities (IPLCs) can, however, face additional challenges and concerns as they begin to navigate the IP system. While seemingly daunting at first glance, here are some of the key approaches taken by IPLCs to protect their tradition-based innovations and creations.

### FEATURED



#### The Adventures of the Yakuanoi – Navigating TK and IP

(More TK videos on YouTube)

## 8 ways for indigenous SMEs to take advantage of IP

### 1. Protect your contemporary traditional cultural expressions with copyright

[Copyright](#) can protect contemporary traditional cultural expressions – music, paintings and sculptures – against certain unauthorized uses such as reproduction, adaptation, distribution, broadcasting and other forms of communication to the public.

### 2. Use industrial design rights to protect the way your products look and feel

[Industrial designs](#) (known as design patents in some jurisdictions) protect the aesthetic or ornamental aspects of a product rather than its functional aspects – that is, how it looks and feels rather than how it works or what it does. Industrial design rights can be relevant to a wide variety of products, ranging from handicrafts, such as jewelry, to textile and fabric designs.

### 3. Register distinctive Indigenous words, names and symbols as trademarks

The registration of distinctive Indigenous words, names and symbols as [trademarks](#), combined with an appropriate marketing strategy, can increase consumer recognition of authentic and quality goods. This can help increase commercial benefits for Indigenous SMEs..

### 4. Distinguish your goods/services with certification/collective marks

Certification and collective marks can be used by a community to guarantee that goods and services meet specific qualities or characteristics, such as a particular geographical origin or method of manufacture. These marks can provide consumers with certainty as to the authenticity of the goods bearing the mark.

### 5. Link your goods and services to a place with a geographical indication

[Geographical indications](#) are a collective right. They can not only provide the holders of traditional knowledge or traditional cultural expressions with the means to differentiate their product from a competitor by highlighting its link with the geographical area from which it originates but can also command a premium price.

### 6. Protect your innovations based on traditional knowledge

New and innovative inventions based on traditional knowledge can be protected with [patents](#). With patents, inventors can get a return on their commercially successful inventions for a time-limited period. A patent is an exclusive right granted for an invention (a product or a process that provides a new way of doing something, or offers a new technical solution to a problem). To get a patent, technical information about the invention must be disclosed to the public in a patent application, which is published so that others may learn from it.

### 7. Keep your traditional knowledge confidential with trade secrets

[Trade secrets](#) allow Indigenous SMEs to protect secret and commercially valuable information, such as traditional manufacturing processes and recipes, preventing that information from being disclosed, acquired or used by others without consent

### 8. Use unfair competition laws as a defense mechanism

Indigenous SMEs with an established reputation, distinctiveness and goodwill in the production of traditional products can use unfair competition laws to object to false connection claims where fake products are presented as genuine in the marketplace.

## Learn more

For more information on how the IP system can support indigenous SMEs, check out the publications below:

[Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions](#)

[Intellectual Property and Folk, Arts and Cultural Festivals: Practical Guide](#)

[Protect and Promote Your Culture: A Practical Guide to Intellectual Property for Indigenous Peoples and Local Communities](#)

[Background Brief 5: Intellectual Property and Traditional Handicrafts](#)