

US to consult with Tribes on how to best protect Tribal intellectual property

Washington – On Oct. 24, 2023, the U.S. Patent and Trademark Office (USPTO), Department of Commerce published a notice in the Federal Register on Formal Tribal Consultation on World Intellectual Property Organization Inter-governmental Committee Negotiations. The National Congress of American Indians (NCAI) and the Native American Rights Fund (NARF) applauded the decision to hold this long overdue consultation.

Since 2016, NCAI, represented by NARF, has called on the federal government to engage in government-to-government consultation on Tribal intellectual property issues. These efforts included NCAI passing resolutions in both 2016 and 2022 calling for immediate and direct consultations regarding international negotiations happening at the World Intellectual Property Organization (Resolution PHX-16-054 and Resolution SAC-22-038).

“The United States federal government needs to ensure free, prior and informed consent from Tribal nations as it develops positions to be taken in these international negotiations around genetic resources, traditional knowledge and cultural expressions. Tribes have sovereign rights and authority as the holders and guardians of these aspects of our cultures that must be respected by the United States. The upcoming consultations are a necessary step to ensure that these legal and moral requirements are met,” said NCAI Executive Director Larry Wright, Jr.

“The United States Patent and Trademark Office has taken positions in negotiations at the World Intellectual Property Organization more aligned with corporations that want to access and use Indigenous peoples’ genetic resources, traditional knowledge and cultural expressions than with the United States’ role as trustee for Tribal nations. The United

Nations Declaration on the Rights of Indigenous Peoples recognizes Indigenous peoples’ rights to their cultural and intellectual property, as well as the obligation for the United States to take measures to protect those rights. It is good that the United States is living up to its obligation to consult with Tribes and the concern now is to ensure that the consultation is meaningful and actually impacts the United States’ negotiation positions,” explained NARF Staff Attorney Sue Noe.

In the upcoming consultation, the USPTO will seek Tribal input on how to best protect genetic resources, traditional knowledge and traditional cultural expressions as they are being discussed at the World Intellectual Property Organization.

The Federal Register notice provides details for online webinars to be held this month. Two of the four webinars will be for federally recognized Tribal nations and two will be for state-recognized Tribes,

Tribal members, Native Hawaiians and inter-Tribal organizations.

The USPTO also invites written comments to be submitted by Feb. 23, 2024.

Webinar dates

The webinars for federally recognized Tribal nations and their proxies will be held Jan. 16, 2024, from 3-5 p.m. ET and Jan. 17, 2024, from 3-5 p.m. ET.

The webinars for state-recognized Tribes and other Tribal members, Native Hawaiians and their representatives, and inter-Tribal organizations will be held Jan. 19, 2024, from 3-5 p.m. ET and Jan. 23, 2024, from 3-5 p.m. ET.

Register in advance to participate in one of these webinars at <https://cvent.me/bZRP3L>. More details are available at <https://www.federalregister.gov/documents/2023/10/24/2023-23386/formal-tribal-consultation-on-wipo-igc-negotiations>.



NCAI Foundation, continued from page 1

Traditional philanthropy vs. Equity and Sovereignty Framework

Traditional philanthropy often operates with a top-down approach, where donors decide what is best for beneficiaries, which can unintentionally perpetuate systemic inequities. The Equity and Sovereignty Framework includes:

- Shared Ownership: The new framework ensures that Tribal nations are active participants in decision-making, creating solutions that are rooted in their lived experiences.
- Cultural Respect and Integration: While traditional philanthropy may sideline Native wisdom, the equity and sovereignty approach centers connection and respect.
- Long-term Solutions: Rather than temporary fixes, this approach seeks sustainable, regenerative change, grounded in the unique needs and aspirations of each Tribal nation.

“As we stand at the threshold of a new era with the launch of the NCAI Foundation, I am reminded of the profound responsibility we carry as stewards of our communities’ future,” said NCAI Executive Director Larry Wright, Jr. (Ponca Tribe of Nebraska). “Our leadership is charting a strategic course for the organization and the NCAI Foundation that is a journey of both honor and duty. The Equity and Sovereignty Framework is more than just a policy tool; it is a commitment to Tribal nations that every decision we make, and every partnership we forge, will be done with the utmost respect for our sovereignty and with an unwavering focus on equity. This is our pledge to create a lasting impact that honors the past while building a resilient and prosperous future for Tribal communities.”

The foundation will soon announce various opportunities for Tribal nations to apply for grant funding. These initiatives, which reflect the priorities identified by Tribal leaders and representatives in recent dialogues, emphasize areas such as education, infrastructure, cultural preservation, economic development, environmental, and addressing social inequities.

NCAIF is set to redefine the philanthropic landscape for Tribal nations. By embracing the wisdom and expertise of Tribal Nations, the foundation is poised to foster strategic partnerships and drive significant change.

The initiative is more than just a response to historical disparities; it is an opportunity to embark on a transformative journey, forging pathways to a future of shared prosperity and resilience for Tribal nations.

For more information, visit www.ncai.org.



Siletz Holiday Bazaar

Siletz Tribal Community Center • Dec. 22, 2023

Photos by Diane Rodriguez

Shoppers visit the community center for gifts, including screen-printed T-shirts and sweats plus beautiful hand-crafted items, at the Siletz Holiday Bazaar coordinated by Rusty Butler.

Consent, continued from page 1

The Siletz Tribe has more than 5,000 enrolled members and is headquartered on Oregon’s coast. The Confederated Tribes of Siletz Indians and the Confederated Tribes of Grand Ronde are the only Tribes in the country that have consent decrees that legally prevent them from negotiating for traditional hunting and fishing activities on their land.

Rep. Hoyle also supports similar legislation, H.R. 2850, which would address the consent decree that restricts the Grand Ronde Tribe. Merkley also leads the Senate version of that bill.

Kotek statement on Siletz Consent Decree passage

SALEM, Ore. – Gov. Tina Kotek made the following statement on Dec. 20 after it was announced that, earlier this week, the U.S. Senate passed the Confederated Tribes of Siletz Indians (Siletz) Consent Decree. The legislation gives the Siletz and the State of Oregon the legal ability to change a discriminatory legal clause, restoring the Siletz Tribe’s right to gather, hunt and fish on their ancestral lands. The U/S. House passed H.R. 2839 on Dec. 11.

“Each Oregon Tribe deserves their sovereign right to hunt, fish and gather on their ancestral land. This legislation passed by the U.S. Congress rightly counters a 1980 decree that forced the Siletz to lose those rights in exchange for getting their status and land restored. No Tribe should have to choose between restoration or the right to hunt and gather on their land. I am appreciative of Congresswoman Val Hoyle and Sen. Jeff Merkley for their advocacy to set history straight for the Siletz, and I strongly encourage President Biden to sign this legislation into law.”

Legal Aid Services of Oregon and the Oregon Law Center, civil legal service providers for low-income Oregonians, operate a **public benefits hotline** where low-income Oregonians can talk to lawyers and paralegals to get advice on public benefits, including unemployment benefits:

800-520-5292
Oregonlawhelp.org.