



# Working with taonga species – getting it right!

Lynell Tuffery Huria

What is the issue?

# Māori knowledge under the Appropriation and patenting Māori and related resources

Jessica C. Lai, Da

Hai-Yuean Tualima



AUSTRALIAN MANUKA



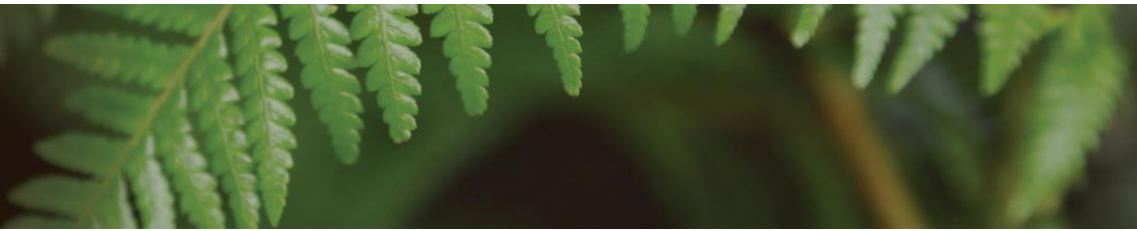
AUSTRALIAN  
MANUKA  
HONEY  
ASSOCIATION



threaten to  
appropriate Māori  
knowledge

# Issues

- Intellectual property framework doesn't protect
  - Use of names of indigenous flora and fauna
  - Indigenous flora and fauna itself
  - Traditional knowledge associated with indigenous flora and fauna



# Getting it right – Intellectual property framework doesn't work

- Originates from overseas
- Industrial revolution
- Innovation
- Globalisation
- Trade Agreements
- World Trade Organisation
- Exclusive ownership
- Public domain
- Intellectual property rights

# Rebalancing the intellectual property framework

- Collective custodianship for benefit of community
- Enduring responsibilities on the community
- Values – kaitiakitanga (custodianship), whanaungatanga (relationships), manaakitanga (generosity)
- Cultural practices – kawa and tikanga, mātauranga Māori, reo Māori

# Wai 262 – getting it right

- Taonga works and mātauranga Māori should be legally protected. In certain circumstances, taonga-derived works should also receive some protection. The benefits of doing so will be felt not only by kaitiaki but by the country as a whole, in both the short and long term.
- Kaitiaki interests in mātauranga Māori in taonga species should be protected.

# Wai 262 – getting it right

- IP rights can protect aspects of mātauranga Māori, but are not sufficient for mātauranga Māori to flourish
- Changes required to our IP laws

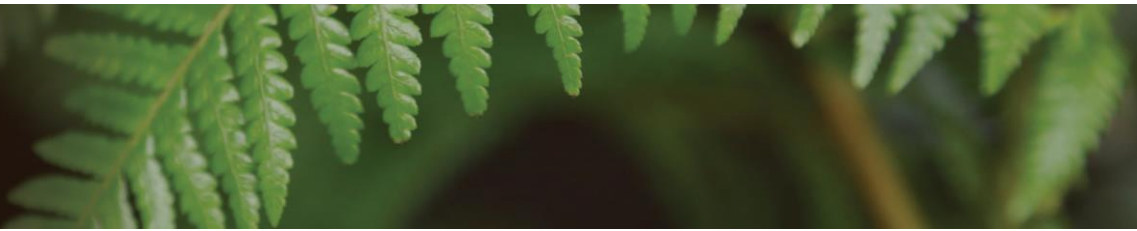
# Wai 262 – getting it right

- Other structures and regimes are needed
- Establish a commission
- Develop a bioprospecting regime



# CBD – getting it right

- 3 objectives
  - Conservation of biodiversity
  - Sustainable use of its components
  - Fair and equitable sharing of the benefits derived from the use of the genetic resources



# Nagoya Protocol – getting it right

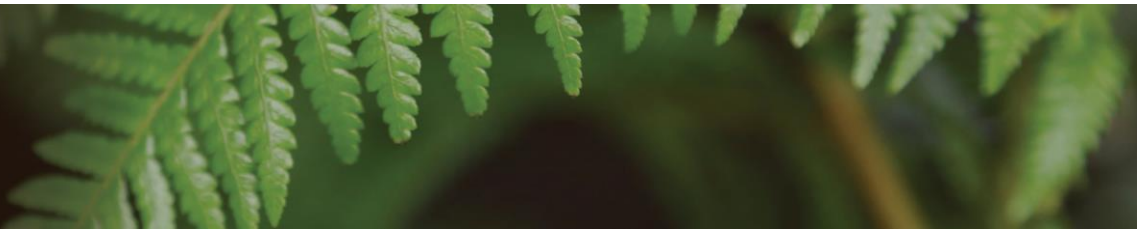
- Implements the ABS provisions of the CBD
- Confirms ABS applies to utilisation of:
  - genetic resources
  - genetic resources held by indigenous communities
  - traditional knowledge associated with genetic resources held by indigenous communities

# Nagoya Protocol – getting it right

- Establishes a Clearinghouse to monitor use of access and benefit sharing arrangements

# Taonga species – getting it right

- When using names of taonga species
  - Whakapapa
  - Tapu/Noa



# Taonga species – getting it right

- When using taonga species or mātauranga Māori associated with taonga species
  - Free and prior informed consent
  - Access and benefit sharing arrangements

# Ngā mihi