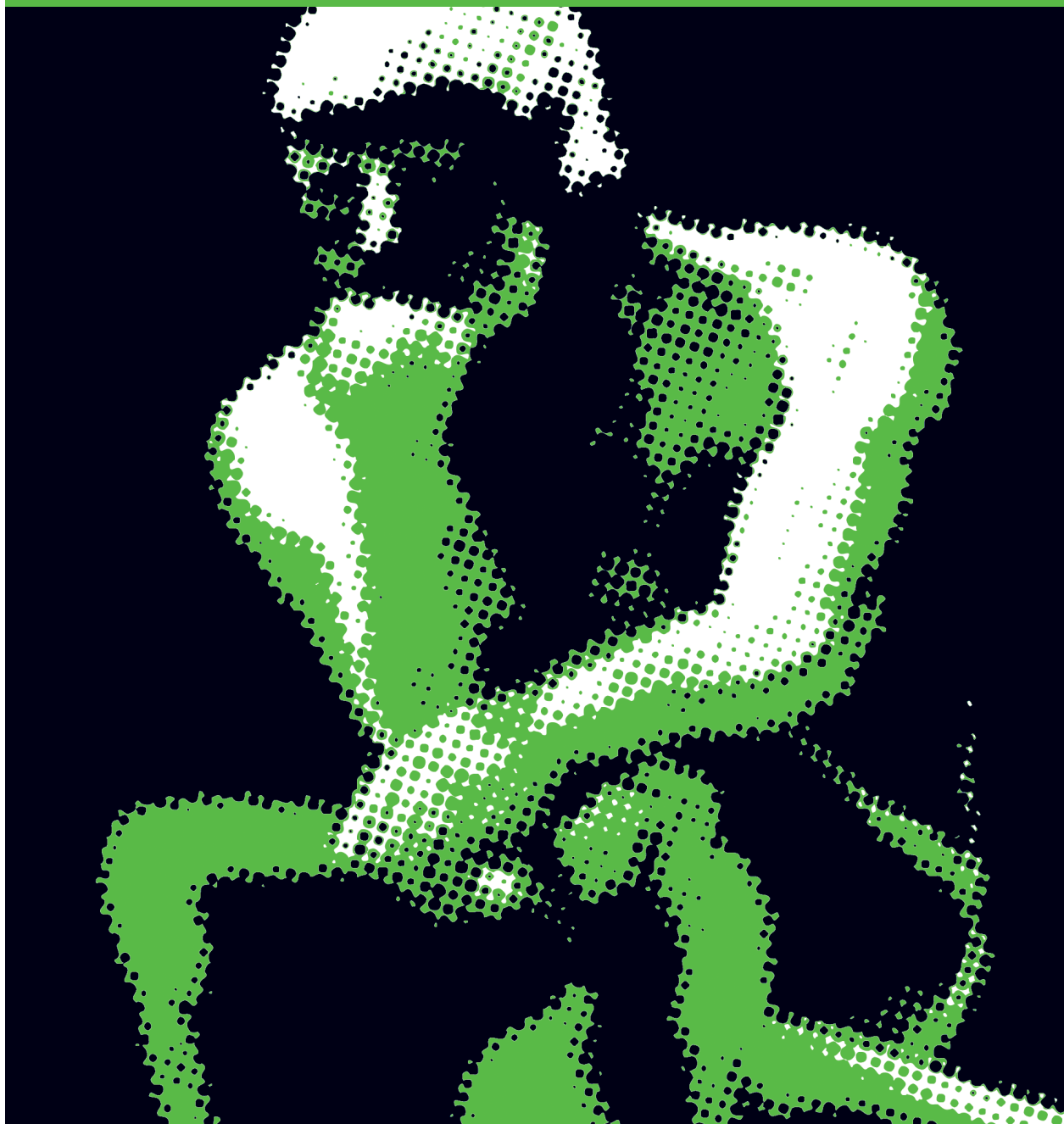


Journal of The
Intellectual Property
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Editor
Dr Christopher Sexton

Intellectual Property Forum



Issue 108 Contents

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Intellectual Property Forum

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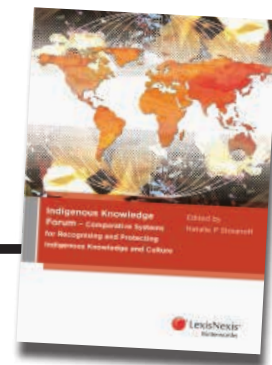
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Book Review



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Indigenous Knowledge Forum – Comparative Systems for Recognising and Protecting Indigenous Knowledge and Culture by Natalie P. Stoianoff (ed.)
[LexisNexis, 2017. pp. 501].

This book brings together essays that explore Indigenous ways of knowing and considers how this recognised knowledge can inform cultural and legal practices and our social institutions.

Indigenous knowledge is resiliently local in character and poses a distinct contrast to the international, more impersonal system of knowledge prevalent in Western educational institutions. Over the millennia, Indigenous peoples have developed a close and unique connection with the lands and environments in which they live. They have established distinct systems of knowledge, innovation and practices relating to the uses and management of biological diversity on these lands and environments. Much of this knowledge constitutes an important contribution to research and development, particularly in areas such as pharmaceuticals, and agriculture and cosmetic products. In the context of these uses, Indigenous peoples claim that their rights as traditional holders and custodians of this knowledge are not adequately recognised or protected.

In the Introduction to this book, the editor, Professor Natalie Stoianoff, writes that the work reflects recent important international research in the field of Indigenous knowledge and legal frameworks for its protection, developed from the discourse at the second Indigenous Knowledge Forum held at the University of Technology Sydney in 2014. That Forum, spearheaded by Professor Stoianoff, “facilitated dialogue, discussion and an information exchange, bringing together government officials, decision makers, scholars, and especially Indigenous and local peoples’ representatives”. The result is this compilation of essays by leading international experts representing countries with existing legal frameworks and nations in the midst of developing such regimes for the protection of Indigenous knowledge in a wide range of cultures, including Australia, New Zealand, India, Peru, Thailand, Africa, Ethiopia, Canada, China and Samoa.

Notably, this compendium of papers has contributions from a diverse array of legal academics and practitioners, ethicists, sociologists, anthropologists and agriculturists, reflecting the growing appreciation of local knowledge in their fields. Each of the themes exemplifies many Indigenous cultures: struggle, strength, and survival — the latter a notion of survival that emphasises remembrance, regeneration, and spiritual renewal

It would be impossible to adequately review the 17 papers that make up this 501 page book. The individual papers vary in quality and scope. Some provide modest summaries of research methodologies, while others provide detailed “how-to-discussions” based on extensive field experiments. Some provide overviews of what institutes are doing to document Indigenous knowledge, while other papers are substantive in showing how such knowledge can change policy.

The first part of this work sets the scene of the foundations for the research program of the Indigenous Knowledge Forum. The next part concentrates on the Australian developments of the laws that affect the protection and exploitation of Indigenous knowledge and culture, with case studies showing how Australian Indigenous communities have asserted their rights and economic interests over that knowledge in their decision-making. The final part places the spotlight on the international arena, exploring varying frameworks of protection, the intersection of new regimes with existing intellectual property laws and biodiversity laws. This cluster of chapters underscores how these knowledge systems are not static but dynamic in adapting knowledge to fit the ever-changing circumstances of local populations and cultures.

Book Review

For this reviewer, two chapters particularly stand out. The paper 'Asserting cultural interests through the law: issues and innovations' provides a superb summary of new legal and institutional pathways for Indigenous Australians to assert their cultural interests. Here, the authors stress that Indigenous Australians are best placed to determine how they wish to advance their own interests. The other gem is 'A reconstructed metaphor for Australian property rights and interests in Australia: the challenges in normalising Aboriginal ontology into Western concepts of knowledge and resources', where Virginia Marshall examines the differences between Western value systems and Aboriginal customs and practices as they relate to water rights. Using the Murray-Darling Basin as a case study, the author mounts a case for conceptualising Aboriginal rights and interests "through the lens of Aboriginal property relationships to Country".

In the sum of its parts, *Indigenous Knowledge Forum* celebrates the vibrant relationships between the people, their ecosystems, and other living beings and spirits that share their lands. It provides a rich plethora of detail on developments in the expanding research into, and the understanding of, the utility of knowing more about Indigenous knowledge systems. It illustrates the spread of interest in Indigenous knowledge systems and the maturation of concepts, methods, utilisation and archiving of research in this burgeoning field.

What emerges from this book is that the main areas of recent development in this field emanate from the uptake of the subject by more disciplines, a greater recognition of the dynamic and varied nature of Indigenous knowledge and an increased emphasis on the role of such knowledge in the decision-making of those who "own" the knowledge systems and of external development agencies. The richness of detail and the huge variety of themes encapsulated in this work will making it important reading for all those engaged in the study of Indigenous knowledge as a cultural dimension of development.



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