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Project targets ownership of the past

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Ownership and access to ancient material and research data – even the use of ancient images for marketing purposes – pose increasing dilemmas for scholars, practitioners, indigenous peoples and policy makers. SFU Archeology Professor George Nicholas is leading an international research team in a $2.5 million project designed to examine and resolve the issues.

Funded by the Social Sciences and Humanities Research Council, the project, Intellectual Property Issues in Cultural Heritage: Theory, Practice, Policy, Ethics (IPinCH), involves an unprecedented collaboration of archaeologists, indigenous organizations, lawyers, anthropologists, museum specialists, ethicists, policy makers, and partnering organizations, representing eight countries.

'Questions about who owns or has the right to benefit from 'the past' have emerged as highly contentious issues in archaeology and related domains, charged with political, economic, and ethical implications for multiple stakeholders,' says Nicholas. 'Concerns about open access to knowledge, claims of rights based on culture, and research ethics loom ever larger.

' Nicholas says there has been no thorough analysis of the issues to date, even though they increasingly shape the nature of research, access to information, First Nations policies and the public domain.

The project focuses on a variety of intellectual property issues arising in such areas as cultural tourism, censorship, the use of rock art and other images, open versus restricted access to information, applications in new products, bioarchaeology and the uses of ancient genetic data, customary versus legal protections, and research permissions and protocols.

The team will identify the range of intellectual property and ethical issues in cultural heritage faced by researchers, communities and others, explains Nicholas. 'We'll use the information to generate norms of good practice and gain new insights into the nature of knowledge, intellectual property and culture-based rights.

'The results will play a role in the negotiation of more equitable and successful terms of research and heritage policies in the future.

'Nicholas co-developed the project with Julie Hollowell (Indiana University) and Kelly Bannister (University of Victoria). Team members represent nine Canadian and 19 international universities and 20 Canadian and international organizations. Partnering groups include the World Intellectual Property Organization (Geneva), Parks Canada, the Canadian Archaeological Association, and more than a dozen First Nations, from the Sto:lo in the Fraser Valley to the Barunga of northern Australia.

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