

# INTELLECTUAL PROPERTY AND SUSTAINABLE SAILING

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# OVERVIEW

- ❖ Aims of intellectual property policy
- ❖ Three different types of intellectual property regimes
- ❖ Some IP issues related to sustainable sailing
- ❖ Ways forward?

# SOME AIMS OF IP POLICY IN OCEANIA

- ❖ To stop “misappropriation” of what Oceanic people see as being “theirs” by outsiders (and insiders)
- ❖ To safeguard or preserve cultural heritage
- ❖ To encourage, promote and reward creativity and innovation
- ❖ To diffuse new and old knowledge and technology throughout the region so it can benefit those who need it

# INTELLECTUAL PROPERTY SYSTEMS

(At least) three types:

- ❖ Local/ indigenous IP systems (eg customary system)
- ❖ Global rights based IP system (eg. Copyright, patent, trademark)
- ❖ Open access model (eg Creative Commons, open source software)

# TRADITIONAL KNOWLEDGE SYSTEMS FOR SAILING AND NAVIGATION



© UNESCO, 2013 Master navigator, Tua Pittman, talks to workshop participants about traditional voyaging.

# GLOBAL IP SYSTEM


wharram.com/site/catalog/building-plans/ethnic-designs/tama-moana

Tama Moana - Child of the Sea - Self-Build Boat Plans (25% off)

SHOP PHOTOS COMMUNITY PAGES FORUM

Home > Catalog > Building Plans > Ethnic Designs > Tama Moana - Child of the Sea - Self-Build Boat Plans (25% off)

### Tama Moana - Child of the Sea - Self-Build Boat Plans (25% off)



[See All Photos](#)

Building Method:	Strip Plank/Epoxy/Glass	
Length Overall:	37' 9"	11.5 m
Beam Overall:	14' 11"	4.55 m
Waterline length:	28' 5"	8.65 m
Draft:	1' 9"	0.53 m
Weight:	3500 lbs	1600 kg
Loading capacity:	3300 lbs	1500 kg
Sail area:	395 sqft	36 sqm
Building Time Estimate:	1600 hrs	

**LIMITED OFFER - 25% OFF**  
~~£1400~~ **£829**


The Child of the Sea has the traditional hullshape of the islands of Tikopia and Anuta. She is built in strip planking over plywood backbone and bulkheads. Her rig is traditional crabclaw and she is steered with steering paddles/side rudders.

Ethnic Designs as Canoe Craft have a basic design principle of maximum boat for minimum cost. Building and sailing one you can be a research participant in a major attempt to recover and preserve the practical, design, handling aspects of Man's first offshore sailing vessels.

Two TAMA MOANA designs sailed the *Lapita Voyage* from the Philippines to Tikopia and Anuta in 2008-9, where they were donated to the island populations who are now using them as their autonomous transport.

**£1400.00**  
**£829.00**

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A [Study Plan of this design](#) can help you decide if this is the boat for you.

#### Wharram Shop

- Boat Building Plans (46)
  - Classic Designs (25% off) (21)
  - Pahi Designs (25% off) (9)
  - Coastal Trek / TIKI Designs (25% off) (12)
  - Ethnic Designs (25% off) (3)
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- Study Plans (28)
  - Classic Designs (10)
  - Pahi Designs (5)
  - Coastal Trek / TIKI Designs (8)
  - Ethnic Designs (3)
  - Islander Designs (2)
- Books (9)
- DVDs (2)
- Papers, articles and cards (8)

#### Wharram Builders and Sailors

##### Tiki 46 expeditions in the Pacific



Tiki 46 "Wakatatea" is used as a home, research and humanitarian help vessel. Her owners like to share her with people who like to temporarily step out of the modern world to explore the sea.

[Visit Website](#)

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View your shopping cart.

# OPEN ACCESS

The screenshot shows a web browser displaying the Greenheart Open Design Forum page on the MindTouch platform. The browser's address bar shows the URL `odf.greenheartproject.org`. The page features a green header with the MindTouch logo and navigation links: "My Page", "Recent changes", "Reports", "Tools", and "Help". A search bar is located in the top right corner. Below the header, there are icons for "Edit page", "New page", and "Print page", along with a "More" dropdown menu. A notification box indicates the page was last modified on 10:59, 2 Jun 2013 by user "patutley".

The main content area is titled "Greenheart Open Design Forum" and includes a "Page Notifications Off" toggle. The text on the page reads: "Here the **Greenheart Project** shares the latest state of our designs, and solicits ideas from you. The latest official designs can be found below. Use the menu on the left to see [our design goals](#), [earlier versions](#), [original concept drawings](#), or to [contribute an idea of your own](#). All pages may be commented on - and please do comment. The more comments, the better discussion, and the better ideas evolve. (click on any image to enlarge)

Below this text, there is a paragraph: "A word on the design criteria, which can be more clearly understood on the [Greenheart webpage](#)." This is followed by another paragraph: "This is a multi-use, industrial ship for the poorest and least developed communities. For use in ice-free seas and rivers, capable of stranding for cargo handling and maintenance. The technology throughout the ship is to be appropriate for the conditions and lifestyles of operators who are at present unable to afford or maintain oceangoing vessels. All mechanical gear is to be manual, with electric back-up where possible. Safety and environmental standards are to be above present best practices."

At the bottom of the page, there is a video player titled "Greenheart animation" showing a 3D rendering of a ship's mast and rigging against a blue sky with clouds.

The left sidebar contains a navigation menu for "Greenheart Open De..." with items: "Concept Drawings", "Design Criteria", "Open Contributions", "Pilot Boat ('Lifeboat...)", "Previous versions", and "Proposal to Use GH ...". Below the menu is a "Page statistics" section showing: 130760 view(s), 56 edit(s), and 10135 characters(s). At the top of the sidebar, there are "Log in" and "Register" buttons.

# WHAT THEY ALL SHARE

Establish rules about who can:

- ❖ Benefit from,
- ❖ Access, and
- ❖ Use

different types of intangible resources

- ❖ In turn, this impacts on how these resources are developed, shared and used

# MAJOR DIFFERENCES

- ❖ Underpinning ideology
- ❖ Impact on who can benefit, access and use intangible resources
- ❖ Administration and reach

# UNDERPINNING IDEOLOGY

Customary/ local	Global IP	Open access
<ul style="list-style-type: none"><li>• Varies significantly from place to place</li><li>• Based on maintenance of social relationships and respect</li><li>• Recognition of connection with spirits, ancestors and place</li><li>• Concerned with ensuring transmission of knowledge</li></ul>	<ul style="list-style-type: none"><li>• Based on free market ideology</li><li>• Facilitates the commodification of intangible resources so they can be traded on the free market</li><li>• Economic-efficiency and incentivising arguments</li></ul>	<ul style="list-style-type: none"><li>• Based on the principle of facilitating access by all</li><li>• Belief that this will have widespread benefits</li><li>• Will lead to better results as more people will collaborate</li></ul>

# WHO CAN BENEFIT, ACCESS AND USE INTANGIBLE RESOURCES?

Customary/ local	Global IP	Open access
<ul style="list-style-type: none"><li>• Depends on the particular system involved</li><li>• Often controlled by a particular group or lineage but sometimes individuals</li><li>• Rights are transmitted through mechanisms such as master/ apprentice, ceremonies, trade</li><li>• Often multi-dimensional rights</li><li>• No time restriction</li></ul>	<ul style="list-style-type: none"><li>• Exclusive rights controlled by individuals (and increasingly corporations)</li><li>• Access based on who can afford to pay</li><li>• Rights limited in time and afterwards passes into “the public domain”</li></ul>	<ul style="list-style-type: none"><li>• Everyone has access or restricted access based on certain limitations, for example no commercial use</li></ul>

# ADMINISTRATION AND REACH

Customary/ local	Global IP	Open access
<ul style="list-style-type: none"><li>• Administered by indigenous/ local institutions, eg councils of chiefs</li><li>• Limitations on extent to which it can be enforced outside of particular community</li></ul>	<ul style="list-style-type: none"><li>• Administered by a national state bureaucracy and an international system (eg WTO mechanisms)</li><li>• Theoretical global reach but \$\$ may limit this in practice</li><li>• Does not include TK at present</li></ul>	<ul style="list-style-type: none"><li>• Emerging area, based primarily on online contractual arrangements</li></ul>

# IP ISSUES ARISING

- ❖ Problems of transmission of knowledge to younger generations
- ❖ Misappropriation of pacific cultural heritage by outsiders
- ❖ Questions about creating the right framework for innovation and creativity to occur today

Objective	Customary/local	Global IP	Open Access
Encourage transmission of knowledge	Yes, master /apprentice, ritual, relationship building, trust BUT secrecy may stop this	Depends, encourages profit motivation/expectations	Yes, may create new communities of learners, but also may undermine cultural protocols (eg tabu knowledge)
Prevent misappropriation by outsiders	No, but may link with NGOs for negative publicity campaigns	Yes, for new creations, but enforcement may be problematic	No, based on principle of openness and public domain
Encourage creativity and innovation	Yes, culturally relevant learning mechanisms, knowledge cycles, social rewards (power, prestige)	Limited, for commercial focus	Yes, actively encouraged but no commercial rewards

# SOME WAYS FORWARD?

- ❖ In any collaboration or network make sure there are discussions at the start about the intellectual property approach that will be adopted
- ❖ If there is misappropriation, use the power of negative publicity campaigns
- ❖ To lessen the chance of misappropriation, positively brand Oceanic knowledge and practices in public, and educate people about the customary protocols surrounding its use
- ❖ Do not let the threat of misappropriation overshadow the real challenge: the development, use and transferral of old and new knowledge and skills related to sustainable sailing

# YOU ARE ALREADY DOING IT!

- ❖ Creating trusted networks to share knowledge and stimulate innovation and experimentation which is fed back into the cycle
- ❖ Framework of openness based on respect, commitment to shared values and principles, awareness of the cultural and spiritual dimensions of the knowledge
- ❖ Outside of those networks make people work to access the knowledge, secrecy works!
- ❖ Create opportunities for face to face exchanges of knowledge (festivals, VKS fieldworkers, talanoas) and for active use of the knowledge in ways that acknowledge its non-instrumental aspects as well (eg community boat building projects)
- ❖ Utilise customary strategies to encourage sharing such as attribution, honouring, exchange, creation of relationships