



Date: December 8, 2023

To: Senate

From: Senate Committee on Planning

Re: **Proposal to establish a Professional Specialization Certificate in Intellectual and Cultural Property Law**

At its meeting on December 6, 2023, the Senate Committee on Planning considered the proposal to establish a Professional Specialization Certificate (PSC) in Intellectual and Cultural Property Law.

The Division of Continuing Studies in partnership with the Faculty of Law propose to establish the certificate for courses at the confluence of Intellectual Property Law (copyright, trademark, patents, and designs), and the developing field of Cultural Property of Indigenous societies. The structure of the proposed PSC is designed to reflect the dual focus of:

- a) Federal and Provincial laws concerning intellectual property; and
- b) Indigenous Intellectual Property laws, customs, and traditions together with an analysis of the scope of Cultural Property and Cultural Heritage nationally and internationally

The PSC is designed for individuals seeking professional development qualifications in these areas. This includes lawyers, government employees, Indigenous leaders, and administrative personnel as well as individuals working in related fields and disciplines, nationally or internationally.

The following motion is recommended:

Motion: That Senate approve and recommend to the Board of Governors that is also approve the proposal to establish a Professional Specialization Certificate in Intellectual and Cultural Property Law in the Division of Continuing Studies as described in the document "Professional Specialization Certificate in Intellectual and Cultural Property Law" and that this approval be withdrawn should the program not be offered within five years of the granting of approval.

Respectfully submitted,

2023-2024 Senate Committee on Planning

Dr. Elizabeth Adjin-Tettey, Chair	Dr. Cynthia Milton
Dr. Eva Baboula	Ms. Tania Muir
Dr. Alexandrine Boudreault-Fournier	Dr. Pablo Restrepo Gautier
Dr. Alexandre Brolo	Dr. Maureen Ryan
Dr. Jane Butterfield	Ms. Ada Saab
Dr. Adam Con	Dr. Kristin Semmens
Ms. Andrea Giles	Dr. Henning Struchtrup
Dr. Robin Hicks	Ms. Wendy Taylor
Dr. Sandra Hundza	Khushi Wadhwa
Mr. Cole Kennedy	Dr. Jie Zhang
Dr. Annalee Lepp	Ms. Christine McLaughlin (Secretary)

UNIVERSITY OF VICTORIA
STANDARD TEMPLATE FOR NEW UNDERGRADUATE CERTIFICATE OR DIPLOMA

Professional Specialization Certificate in Intellectual and Cultural Property Law

Submitted by:	Name and title	Email
Dean or designate	Dr. Jo-Anne Clarke (Continuing Studies) Prof. Freya Kodar (Law)	uvcsdean@uvic.ca lawdean@uvic.ca
Academic unit, department, or school	Division of Continuing Studies Faculty of Law	
Name, title, and email of contact person	Tania Muir (Continuing Studies) Geoff Loomer (Law)	lacdirector@uvic.ca law.assocdean.adm@uvic.ca
Anticipated start date of proposed certificate or diploma *Note – the program must not be advertised/offered until all approvals are finalized.	May 8, 2024	

Please provide dates of all approvals

Required approvals	Date
Pre-consultation with AVPAP (by contact person and Dean/designate)	November 10, 2023
Departmental/School approval	November 22, 2023
Faculty Curriculum Committee approval	November 14, 2023
*Faculty Council approval (or <u>indicate</u> equivalent Faculty voting body)	November 16, 2023

Please complete all rows with date or N/A

Consultations (as applicable; see notes below) *supporting documentation required for all consultations	Date (or N/A)	Supporting Documentation Attached (Y/N)
Libraries – Jonathan Bengtson, University Librarian bengtson@uvic.ca	Nov. 22/23	Y
Co-operative Education and Career Services – Andrea Giles, Executive Director – cooped@uvic.ca	N/A	
Office of the Registrar –	In progress	N

UNIVERSITY OF VICTORIA
STANDARD TEMPLATE FOR NEW UNDERGRADUATE CERTIFICATE OR DIPLOMA

OREGSCPConsultation@uvic.ca		
Indigenous Academic and Community Engagement – Kundoqk Jacquie Green, Executive Director, iaceed@uvic.ca **Please complete the IACE Consultation form and submit with proposal.	In progress	N
External and Internal Consultation (letters of support as per section J) Internal <ul style="list-style-type: none"> • School of Indigenous Governance • Indigenous Studies Program • Department of Indigenous Education External <ul style="list-style-type: none"> • Law Society of British Columbia • Indigenous Bar Association 	Y	Nov. 16/23 Nov. 21/23
Non-standard Tuition	Yes* or N/A	Non-standard form attached (Y/N)
Proposed program involves non-standard tuition *If you answered yes, complete the UVic Non-standard Tuition Template	N/A	

UNIVERSITY OF VICTORIA
STANDARD TEMPLATE FOR NEW UNDERGRADUATE CERTIFICATE OR DIPLOMA

A. Provide a summary of the proposed new certificate or diploma, and clearly articulate how the program aligns with current institutional plans and priorities (maximum 1 page).

The proposed *Professional Specialization Certificate* in Intellectual and Cultural Property Law comprises pre-existing courses currently offered to credit learners within the Faculty of Law. This certificate presents courses and skills at the confluence of Intellectual Property Law (copyright, trademark, patents, and designs) and the developing field of Indigenous Cultural Property Law. While the primary audience for these courses are credit students, specifically JD and JD/JID students at UVic, **our goal is to offer access to non-credit professional learners through a *Professional Specialization Certificate (PSC)*.**

The cultural property of Indigenous societies is reflected in the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007)*. UNDRIP was legislatively implemented by Parliament (2021) and the British Columbia Legislature (2019). Article 31(1) of UNDRIP provides for Indigenous peoples to:

“[...]maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.”

The scope of Article 31(1) aligns with the concerns addressed in both federal and provincial laws that constitute “intellectual property.” Although the Faculty of Law already incorporates four permanent courses in Intellectual Property, the interests in Article 31(1) extend beyond these existing offerings. Perspectives of Indigenous cultural heritage, laws, customs, and traditions must also be presented. The structure of the proposed Professional Specialization Certificate is designed to reflect the dual focus of:

- a) Federal and provincial laws concerning intellectual property; and
- b) Indigenous Intellectual Property laws, customs, and traditions together with an analysis of the scope of Cultural Property and Cultural Heritage nationally and internationally.

Details are provided in Part B and course descriptions are in **Appendix A**.

As a non-credit professional program, the *Professional Specialization Certificate in Intellectual and Cultural Property Law* is designed for individuals seeking a professional development qualification in these areas. Such persons will include lawyers, government employees, Indigenous leaders, and administrative personnel. It will also

UNIVERSITY OF VICTORIA
STANDARD TEMPLATE FOR NEW UNDERGRADUATE CERTIFICATE OR DIPLOMA

attract graduate students in the Faculty of Law, or in related fields and disciplines, nationally or internationally.

The program draws upon and revitalizes an earlier *Professional Specialization Certificate in International Intellectual Property Law* program (run in partnership with Continuing Studies, 2002-07) meeting a need at that time of providing comparative (Canada, U.S., and E.U.) Intellectual Property Law. Additionally, the proposed program aligns with:

- **The JD/JID program** – The Faculty is the only Faculty of Law in Canada to provide a joint degree program in Canadian Common Law (JD) and Indigenous Legal Orders (JID);
- The **Indigenous Law Research Unit** (ILRU) in the Faculty of Law; and
- The **National Centre for Indigenous Laws** (NCIL) currently under construction as an extension of the Murray and Anne Fraser Building.

Moreover, the *Professional Specialization Certificate in Intellectual and Cultural Property Law* is closely aligned with UVic’s commitment to implement core local, national, and international responsibilities and calls to action that support the rights and sovereignties of Indigenous Peoples, as outlined in UVic’s strategic framework, ***Distinctly UVic: A Strategy for the University of Victoria***, and ***Indigenous Plan 2023***.

The program distinctly prioritizes Indigenous ways of knowing and being in education, research, and governance, in alignment with UVic’s strategic framework:

The University of Victoria strives to align itself with the laws, values and protocols of the Ləkʷəŋən and W̱SÁNEĆ peoples while respecting the values and priorities of all Coast Salish, Kwakwaka’wakw, Nuu-Chah-Nulth and urban Indigenous communities, including the Métis Nation, who also hold significant relationships with the university.

Respecting the rights of one another and being in right relationship with all things reinforces UVic’s commitment to implement core local, national and international responsibilities and calls to action that support the rights and sovereignties of Indigenous Peoples—for example, UNDRIP, DRIPA*, the MMIWG Report* and the TRC Calls to Action.**

The program also actively addresses and integrates specific goals outlined in the *Indigenous Plan 2023*, encompassing initiatives such as:

1.2.2 Create core courses that meet baseline criteria and provide opportunities for students in units without Indigenous-specific courses. (DRIPA Action 3.4)

1.2.3 Ensure that programs and courses integrate and are evaluated with respect to Indigenous teaching and learning practices, ethics and knowledges. (DRIPA Action 4.5a)

UNIVERSITY OF VICTORIA
STANDARD TEMPLATE FOR NEW UNDERGRADUATE CERTIFICATE OR DIPLOMA

4.2.1 Identify areas of educational programming of interest and value through continued engagement with Indigenous students and communities. (DRIPA Action 4.5a)

A. Curriculum design (include draft curriculum, if applicable, as an appendix) (maximum 2 pages)

Indicate the program requirements and design, including core and prerequisite courses. Identify which courses already exist at UVic and any new courses to be implemented as a result of the proposed program.

- Does the proposed program involve places for integration of teaching and research? If yes, please provide details.
- Does the program include opportunities for experiential learning or other forms of community engagement or research-enriched learning?
- Does the program design include plans for distance education delivery? If yes, provide details.

The discussion in Part A presents a spectrum of interests from Article 31(1) of UNDRIP that mirrors the interests encompassed within federal and provincial intellectual property as well as perspectives of indigeneity, cultural heritage, laws, customs and traditions of Indigenous peoples and societies. The program reflects this by providing two subjects of federal and provincial law and two subjects presenting Indigenous and cultural features. The federal and provincial features are presented in:

- a) **LAW347: Intellectual Property**; and
- b) **LAW366: Patent Law**

The program will also incorporate two special topics courses, which the Faculty of Law will seek to make permanent in the University Calendar in 2024. Those courses will be titled:

- a) **Indigenous Intellectual Property**; and
- b) **Cultural Property**

A fifth subject, **LAW348: Managing Intellectual Property**, presents a focus on managing, marketing, and utilizing intellectual property rights (IPRs).

Managing Intellectual Property is a simulated experiential learning course. It is presented in segments of 8 hours (4 + 4) and taught by expert intellectual property and entertainment practitioners from Vancouver. It is a popular offering in the Faculty of Law and aligns with an important initiative in the Faculty of Law to meet a need for experiential learning. Importantly, while providing an experience in “doing” (marketing, assigning, licensing, maintaining), it also requires a knowledge and application of difficult areas of law and policy relevant to such activities.

UNIVERSITY OF VICTORIA
STANDARD TEMPLATE FOR NEW UNDERGRADUATE CERTIFICATE OR DIPLOMA

Cultural and Indigenous IPRs of a commodity nature will, in time, if not already, also invoke issues of licensing, assigning, and marketing. Of course, the diversity of cultural interests will include items and features of heritage, dignity, or spirituality that will not involve marketing. This diversity is reflected in the proposed Cultural Property course.

Participants in the Professional Specialization Certificate Program will need to complete **four of the five courses:**

- *LAW347: Intellectual Property*
- *Indigenous Intellectual Property (special topic course to be made permanent)*
- *Cultural Property (special topic course to be made permanent)*
- *LAW348: Managing Intellectual Property*
- *LAW366: Patent Law*

Credit students, including JD and JD/JID students in the Faculty of Law, will be able to enroll in any or all of these courses subject to normal registration requirements. Credit students will **not** be eligible to obtain the PSC.

The program will initially be presented on an in-person classroom basis, but online learning options will also be explored.

The intention is for the program to run for approximately six (6) weeks in the summer term.

There is no specific intention for the integration of teaching and research, but evaluation choices may involve the completion of a research paper for a portion of the final grade in some of the subjects in the program.

UNIVERSITY OF VICTORIA
STANDARD TEMPLATE FOR NEW UNDERGRADUATE CERTIFICATE OR DIPLOMA

B. Integration of Indigenous perspectives, decolonization, global perspectives, equity, diversity, and inclusion (maximum 2 pages)

- Does the proposed program provide opportunities to include Indigenous perspectives and decolonization? If yes, please provide details.
- Does the proposed program design provide opportunities for global engagement or international perspectives? If yes, please provide details.
- How does the proposed program promote justice, equity, diversity, and inclusion? If yes, please provide details.

The proposed program is completely inclusive of Indigenous perspectives and decolonization. The detail has been provided in Parts A and B.

The primary focus of the program is Canadian intellectual property and Indigenous intellectual property. The provisions of UNDRIP are examined and the subject Cultural Property course will draw upon many international sources, including provisions for cultural property protection recommended by the *World Intellectual Property Organization (WIPO)*; *The Nagoya Protocol on Access and Benefit Sharing* (fauna, flora, seeds, medicines); many international commentaries; and instruments relevant to protection of cultural artifacts in situations of armed conflict.

The proposed program includes justice and equity for Indigenous peoples in Canada as described earlier.

C. Describe the learning outcomes of the proposed program.

Learners who complete the *Professional Specialization Certificate in Intellectual and Cultural Property Law* will be able to:

- Demonstrate a comprehensive understanding of intellectual property rights (IPRs) laws and policies in Canada and, to some extent, other global contexts.
- Apply analytical skills to assess intellectual property issues, laws, and policies in both Canadian and international settings.
- Demonstrate an in-depth understanding of Indigenous Intellectual Property laws and policies, exploring the scope and nature of cultural property and rights in cultural property and heritage.

D. What are the admission requirements for the proposed program?

- Completion of an undergraduate degree from a university recognized by the University of Victoria.
- Competency in written and spoken English language according to the admissions criteria of the University of Victoria.

UNIVERSITY OF VICTORIA
STANDARD TEMPLATE FOR NEW UNDERGRADUATE CERTIFICATE OR DIPLOMA

- 2 years professional experience in a related area.

We anticipate that most applicants admitted to the PSC program will be legal professionals. Persons who have a university degree and who work in the fields of intellectual property (such as non-legally qualified trademark agents), or who work in the administration of Indigenous communities, will also be considered for admission.

E. How is the proposed certificate or diploma aligned with, or is distinct from other related programs at UVic and other BC post-secondary institutions?

While there are courses and short-term certificate trainings available in various settings across Canada, including institutions like Osgoode Hall Law School, the proposed Professional Specialization Certificate is distinctive in its comprehensive approach. It is uniquely designed for working professionals, offering an intensive coverage of the confluence of Intellectual Property law, Indigenous Intellectual Property law, and a conceptual perspective on Cultural Property and Heritage, along with the application of principles outlined in UNDRIP. This program stands out as the first of its kind, providing a comprehensive and specialized curriculum for professionals seeking an in-depth understanding of these intersecting domains.

F. Describe the enrolment plan for the length of the program (e.g., anticipated number of students in the program at launch and steady state for the expected duration of the program).

The program is designed to enhance access to knowledge and training, particularly for professional learners, and foster a rich and interdisciplinary learning environment. As noted above, the Professional Specialization Certificate will attract practicing lawyers, government employees, Indigenous leaders, and administrative personnel.

The five courses offered in this program will include law students enrolled in the JD and JD/JID programs at the University of Victoria, as well as law students enrolled in JD or LL.B programs at other institutions. These students will gain credit in their respective programs, as permitted by the student's home university. Credit students, whether from UVic or from another institution, will **not** be eligible to obtain the PSC as a non-credit program.

In the first year of offering, we anticipate a total enrolment of 40 students, including up to 10 PSC learners and approximately 30 credit students. The number of credit students will vary from course to course.

Professional learners will be given an additional seminar each week and will be examined separately from the enrolled law students. In particular, different methods of

UNIVERSITY OF VICTORIA
STANDARD TEMPLATE FOR NEW UNDERGRADUATE CERTIFICATE OR DIPLOMA

evaluation for the PSC students and the credit students will be used in LAW347 Intellectual Property and LAW366 Patent Law.

G. What is the evidence of demand for the proposed program, including labour market indicators?

Evidence of demand can be found in several key indicators. The combination of historical success with the former PSC, alignment with Continuing Professional Development (CPD) requirements, and the increasing importance of UNDRIP positions the PSC in Intellectual and Cultural Property Law to address critical knowledge gaps and meet the expanding demand for specialized education:

- The program and specialization certificate build upon a successful initiative, the PSC in International Intellectual Property Law, which ran from 2002-2007. During this period, the program attracted non-credit learners and demonstrated its value in the educational landscape.
- We recognize the essential role of CPD in the legal profession. Lawyers require ongoing education to meet CPD requirements set by the Law Society of British Columbia. Our program aligns with these requirements, making it a valuable choice for legal professionals seeking to fulfill their CPD obligations.
- As the significance of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) continues to increase, there is a growing demand for individuals with expertise in its implementation. Professionals across various sectors recognize the need for knowledge and understanding of UNDRIP, making the proposed PSC an asset in meeting this demand.

H. Indicate resource requirements, including existing and new faculty and staff appointments, space, and library requirements (include a table of program revenue and expenditures).

There will be no new faculty or staff appointments for this program or certificate. Much of the teaching will be done by full-time faculty members, notably Professor Bob Howell and Professor Val Napoleon. We will hire sessional instructors for up to 3 of the courses. Based on CUPE rates paid to sessional instructors, this will cost approximately 3 * \$7,000 to \$8,000 = \$21,000 to \$24,000. These sessional expenses are similar to what we would incur in a “standard” summer curriculum.

We do not anticipate any additional space requirements or library requirements. However, with ongoing construction at the Fraser Building we will require alternative classroom space in summer 2024.

Furthermore, through a strategic partnership with the Division of Continuing Studies, the recruitment, promotion, and administration of the non-credit Professional

UNIVERSITY OF VICTORIA
STANDARD TEMPLATE FOR NEW UNDERGRADUATE CERTIFICATE OR DIPLOMA

Specialization Certificate (PSC) will be seamlessly managed. This collaboration ensures efficient utilization of existing resources and expertise within the Division of Continuing Studies, alleviating the need for additional resources in these areas.

- I. **Show evidence of consultation with and/or support of related UVic academic units/programs and other BC post-secondary institutions, relevant regulatory or professional bodies (provide copies of letters of support in an appendix).**

Consultation with the UVic Libraries is complete and consultations with other UVic units are in progress. Further documentation and letters of support will be provided as consultations progress.

Additionally, we have contacted the Law Society of British Columbia regarding the availability of Continuing Professional Development (CPD) credits for the proposed program.

UNIVERSITY OF VICTORIA
STANDARD TEMPLATE FOR NEW UNDERGRADUATE CERTIFICATE OR DIPLOMA

APPENDIX A – PSC in Intellectual and Cultural Property Law Course Descriptions

LAW347: Intellectual Property

A study of the concepts, principles, and policies of intellectual property law, the relationship and boundary issues between types of intellectual property as well as broader dimensions of cultural creativity. The primary focus is on a) copyright and “literary,” “dramatic,” “musical,” and “artistic” works, technological applications, economic and moral rights, infringement and fair dealing or user interests; and b) registered trademarks and related common law provisions.

Indigenous Intellectual Property (*special topic course to be made permanent*)

The premise of this course is that the articulation, restatement, and development of indigenous intellectual property law must derive from indigenous legal orders as an integral part of the societal governance. Given this, tangible and intangible intellectual property concerns will be identified as Indigenous legal issues and approached as legal problems within specific indigenous legal orders. The course will explore legal control and governance by indigenous peoples over indigenous knowledge with a focus on cultural, societal/economic, and artistic purposes, rather than patents and trademarks.

Cultural Property (*special topic course to be made permanent*)

The related concepts of Cultural Property, Traditional Knowledge and Expressions of Culture are considered nationally and internationally in contexts including Intellectual Property, Conflict of Laws, Constitutional Law and International Law as these areas pertain to cultural artifacts and intangible cultural expressions. Attention is given to the United Nations Declaration on the Rights on Indigenous Peoples (UNDRIP) and implementing legislation federally in 2021 and in B.C. in 2019. Additionally, there is consideration of sui generis recognition, the role of laws, customs and procedures of indigenous societies, draft international and regional treaties, measures to protect cultural items in armed conflict, federal import and export controls, and provincial heritage measures.

LAW348: Managing Intellectual Property

Explores strategies, processes, and frameworks for obtaining, retaining, assigning, and licensing selected Intellectual Property Rights (IPRs) including entertainment related IPRs in music and film. Instruction and evaluation are provided in segments by expert legal practitioners and involves principally the completion of appropriate documentation and contractual provisions.

LAW366: Patent Law

A study of the principles and practical implications of patent protection in Canada. Discussions include the fundamental concepts of patentability, validity, infringement, and commercial exploitation of patentable technology, including pharmaceutical and biotechnological product and process protection.

**Office of Indigenous Academic and Community Engagement (IACE)
Consultations for Program Proposals**

The Office of Indigenous Academic and Community Engagement (IACE) engages with academic units across the institution to support Indigenous student success and community engagement grounded in cultural teachings from Elder's Voices. One significant part of IACE's mandate is to offer academic leadership and support for the advancement of Indigenous academic programming, guiding the university in processes and projects of decolonization and reconciliation. As a result, IACE reviews proposals for new academic programs and for revision or discontinuance of existing academic programs as part of the wider process overseen by the Associate Vice-President Academic Programs in the Office of the Vice-President Academic and Provost.

As this is a complicated process, academic units working on program proposals are encouraged to submit this form as soon as is practicable, to ensure a timely engagement with IACE. If IACE view is required for the proposal, this will take at least six weeks once the unit has a complete draft of the proposal, and consultation with IACE will add to this time.

Part I: Background Information

Department/School/Faculty: Law

Name of Program: *Professional Specialization Certificate in Intellectual and Cultural Property Law*

Credential Level:

Diploma/Certificate Undergraduate Master's Doctoral

Type of Proposal:

New Degree New Program Revision of Program Discontinuance of Program

Part II: Overview/Summary

Description/scope of proposal (approximately 200 words)

The Professional Specialization Certificate in Intellectual and Cultural Property Law presents courses and skills at the confluence of Intellectual Property Law (copyright, trademark, patents, and designs), and the developing field of Cultural Property of Indigenous societies. Five courses will be offered. Most of the students will be JD and JD/JID students, but we will allow professionals to enroll as well; professional learners would obtain the PSC.

Rationale for the proposal (approximately 200 words)

The structure of the proposed Professional Specialization Certificate is designed to reflect the dual focus of:

- a) Federal and provincial laws concerning intellectual property; and
- b) Indigenous Intellectual Property laws, customs, and traditions together with an analysis of the scope of Cultural Property and Cultural Heritage nationally and internationally.

The Professional Specialization Certificate is closely aligned with the principles expressed in UNDRIP and with UVic's commitment to implement core local, national, and international responsibilities and calls to action that support the rights and sovereignties of Indigenous Peoples, as outlined in UVic's strategic framework, Distinctly UVic: A Strategy for the University of Victoria, and Indigenous Plan 2023.

For program revisions or discontinuances, how many Indigenous students are currently enrolled?

N/A

For new programs, how many Indigenous students do you envision enrolling?

We will likely see 5-8 Indigenous students within the estimated summer class size of 40 students, with approximately 10 of those being PSC (non-credit) learners.

Part III: Proposal Information

A. Does this proposal include elements that will focus on:

- Attracting or retaining Indigenous students? Yes No
Please provide details (approximately 100 words)

We anticipate that this program will be very attractive to our current JD and JD/JID students, including Indigenous students. We also expect that there will be demand for the PSC from professionals, including Indigenous professionals.

- Engaging with Indigenous communities, nations, or organizations? Yes No
Please provide details (approximately 100 words)

Please see details in the attached application.

- Attracting or retaining Indigenous faculty? Yes No
Please provide details (approximately 100 words)

One of the primary instructors in the program will be Professor Val Napoleon, but we do not anticipate hiring new Indigenous faculty members just for this program.

- Engaging with Indigenous knowledge(s) and/or ways of knowing and being? Yes No
Please provide details (approximately 100 words)

Please see details in the attached application.

- Engaging with Indigenous territories, lands and/or waters? Yes No
Please provide details (approximately 100 words)

Please see details in the attached application.

B. Does the proposed program envision drawing on IACE resources (e.g., assistance with booking Elders, etc.)?

- Yes No

C. How does the proposed or revised program support or advance institutional priorities and plans related to Indigenous initiatives (e.g., Indigenous Plan, Strategic Plan, etc.)? Please identify specific goals and priorities (approximately 200 words).

The structure of the proposed Professional Specialization Certificate is designed to reflect the dual focus of:

- a) Federal and provincial laws concerning intellectual property; and
- b) Indigenous Intellectual Property laws, customs, and traditions together with an analysis of the scope of Cultural Property and Cultural Heritage nationally and internationally.

The Professional Specialization Certificate is closely aligned with the principles expressed in UNDRIP. UNDRIP was legislatively implemented by Parliament (2021) and the British Columbia Legislature (2019). Article 31(1) of UNDRIP provides for Indigenous peoples to:

“[...]maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.”

The PSC is also closely aligned with UVic’s commitment to implement core local, national, and international responsibilities and calls to action that support the rights and sovereignties of Indigenous Peoples, as outlined in UVic’s strategic framework, Distinctly UVic: A Strategy for the University of Victoria, and Indigenous Plan 2023.

More details are provided in the attached application.

Part IV: Consultation and Approvals

If you answered “No” to all questions in Part III A, no further consultation with IACE is required and this signed document can be included in the proposal as evidence of consultation with IACE.



December 19, 2023

Kundoqk, Jacquie Green
Executive Director
Office of Indigenous Academic and
Community Engagement

Date

If you answered “Yes” to question B in Part III, you will also need to arrange for a letter of support from IACE outlining the contributions in addition to this signed form.

IACE letter of support included in final proposal

IACE Comments (approximately 200 words)

From: [IED Chair](#)
To: [Tania Muir, Director, Language Arts Culture](#)
Cc: [Geoff Loomer, Associate Dean of Law](#); [Tiffany Parks - Program Coordinator, Intercultural Studies and Practice](#)
Subject: Re: Consult | PSC in Intellectual and Cultural Property Law
Date: December 14, 2023 1:45:30 PM

Hi Tania,

I have read and reviewed the proposal for a non-credit PSC in Intellectual and Cultural Law. I fully support the PSC.

Good luck with the proposal.

Jean-Paul



Jean-Paul Restoule
Chair
[Department of Indigenous Education](#)
[University of Victoria](#)
T 250-721-7826

[I acknowledge and respect the ləkʷəŋən peoples on whose territory the university stands and the Songhees, Esquimalt and WSÁNEĆ peoples whose historical relationships with the land continue to this day.](#)

From: "Tania Muir, Director, Language Arts Culture" <lacdirector@uvic.ca>
Date: Thursday, November 16, 2023 at 2:34 PM
To: IED Chair <iedchair@uvic.ca>
Cc: "Geoff Loomer, Associate Dean of Law" <law.assocdean.adm@uvic.ca>, "Tiffany Parks - Program Coordinator, Intercultural Studies and Practice" <ispcoord@uvic.ca>
Subject: Consult | PSC in Intellectual and Cultural Property Law

Good afternoon Jean-Paul,

Please find attached a proposal for a non-credit PSC in Intellectual and Cultural Law that would be offered by the Faculty of Law in partnership with the Division of Continuing Studies.

Composed of courses already being offered for credit to Faculty of Law's JD and JD/JID students and Law students enrolled in JD or LL.B programs at other institutions, the proposed Professional Specialization Certificate in Intellectual and Cultural Property Law is designed for individuals seeking

a professional development qualification in the area of Intellectual Property Law (copyright, trademark, patents, and designs), and the developing field of Cultural Property of Indigenous societies. Professional learners will include practicing lawyers, government employees, Indigenous leaders, and administrative personnel working in the field nationally and internationally.

This work aligns with the work happening in the Faculty of Law including the joint degree program in Canadian Common Law (JD) and Indigenous Legal Orders (JID), The Indigenous Law Research Unit (ILRU), and The National Centre for Indigenous Laws (NCIL) currently under construction as an extension of the Murray and Anne Fraser Building. Indigenous cultural property content in the program will be led by Dr. Val Napoleon.

We are very grateful to your review and approval of the proposal to include in the Senate Committee on Planning proposal package.

Please do not hesitate to let us know if you have any questions.

Best, Tania

Tania Muir
Director, Language, Arts and Culture
Division of Continuing Studies, University of Victoria
lacdirector@uvic.ca | 250.721.8462

I acknowledge and respect the ləkʷəŋən peoples on whose traditional territory the university stands and the Songhees, Esquimalt and WSÁNEĆ peoples whose historical relationships with the land continue to this day.

From: [Alejandra De La Hoz, Records Officer, Undergraduate Records](#)
To: [Tania Muir, Director, Language Arts Culture](#)
Cc: [Susan Corner, Associate Registrar](#); [Geoff Loomer, Associate Dean of Law](#); [Kelly McBeath, Undergraduate Records](#); [Karsten Provan, Records Officer, Undergraduate Records](#); [Tiffany Parks - Program Coordinator, Intercultural Studies and Practice](#)
Subject: RE: PSC in Intellectual and Cultural Property Law
Date: December 20, 2023 11:46:13 AM

Hello Tania,

Thank you for your email and for sharing the updated proposal.

The Records Coordinators and I had an opportunity to read through the editorial changes and we appreciate the effort made to consider our feedback and including this information within the proposal.

Section A updates to the Curriculum design have cleared up some of the confusion. With the assumption that the following courses be entered into Quali for cycle two and that they are approved.

- a) Indigenous Intellectual Property; and
- b) Cultural Property

At this time, this is the only concern or question raised. Please do let me know if you have any questions and I hope you have a wonderful holiday.

Cheers,
Alejandra



Alejandra De La Hoz
Records Officer
Undergraduate Records and Graduation Services
Office of the Registrar and Enrolment Management
Division of Student Affairs
[University of Victoria](#)
T: 250-721-8120
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www.uvic.ca/registrar

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From: Tania Muir, Director, Language Arts Culture <lacdirector@uvic.ca>

Sent: Wednesday, December 13, 2023 8:01 AM

To: Alejandra De La Hoz, Records Officer, Undergraduate Records <uro5@uvic.ca>

Cc: Susan Corner, Associate Registrar <diradva@uvic.ca>; Geoff Loomer, Associate Dean of Law <law.assocdean.adm@uvic.ca>; Kelly McBeath, Undergraduate Records <uro2@uvic.ca>; Karsten Provan, Records Officer, Undergraduate Records <uro4@uvic.ca>; Tiffany Parks - Program Coordinator, Intercultural Studies and Practice <ispcoord@uvic.ca>

Subject: PSC in Intellectual and Cultural Property Law

Good morning,

Sincere thanks to you and your team for providing feedback on the initial draft of the PSC in Intellectual and Cultural Property Law proposal.

The Senate Committee on Planning reviewed and approved the program proposal last week at which time we were able to further discuss the feedback from your team alongside other members of SCP. Based on these discussions, we were able to update the proposal to provide great clarity on many of the items discussed including:

- Clarification that PSC courses are regular JD and JID courses. Regular law students and PSC students will be co-located in these courses but only professional development learners will obtain PSC credential. For law students, courses completed will be part of their JD and JID credits.
- Admission requirements – target audience for PSC are members of the legal profession who regularly make enquiries about such a program but we also anticipate having learners with no legal education but work in related areas so will have the relevant work experience and knowledge.
- Special topics courses – the Faculty of Law has made a commitment to make these permanent courses in Cycle 2 with a calendar revision to reflect the permanent courses for the PSC alongside updates to any other course descriptions to best align with how the courses are being taught.

I have attached the revised document and would be grateful if you could provide any further feedback/proof of consultation to be included in the proposal package to Senate.

While not directly addressed in the revised proposal, Law and Continuing Studies representatives also discussed the possibility that was raised by your team that UVic JD or JD/JID students may look to obtain the PSC in the future. In the event that they took some of the PSC courses for credit during their program, it was agreed that Law would permit learners to waive up to 50% of the PSC courses (2 of 4 required courses), for learners looking to apply to the PSC at a future date.

I appreciate that we are going into the holiday season and likely there are some planned vacations. If, it were possible to receive proof of consultation prior to the holidays, this would allow Elizabeth to ensure it was included in the package to Senate.

Please do let me know if you have any further questions.

Best, Tania

Tania Muir
Director, Language, Arts and Culture
Division of Continuing Studies, University of Victoria
lacdirector@uvic.ca | 250.721.8462

I acknowledge and respect the ləkʷəŋən peoples on whose traditional territory the university stands and the Songhees, Esquimalt and WSÁNEĆ peoples whose historical relationships with the land continue to this day.

November 16, 2023

Sent via e-mail

Dr. Val Napoleon
Law Foundation Chair of Indigenous Justice and Governance
Director, Indigenous Law Research Unit
Faculty of Law
University of Victoria
Box 1700, STN CSC, Victoria, BC V8N 3L2

Dear Dr. Napoleon:

Re: Professional Specialization Certificate in Intellectual and Cultural Property Law

We write to support the proposed Professional Specialization Certificate in Intellectual and Cultural Property Law.

The important links between Indigenous cultural practices and traditions and the recognition, development and application of laws that protect those practices and traditions has not been well-developed or understood. The proposed program is well-structured and designed to develop understanding of the laws and policies of intellectual property rights, engage analytical in the understanding of those rights and policies, and, crucially, to link that learning to the law and policies of Indigenous Intellectual Property and the scope and nature of cultural property and rights in cultural property and heritage.

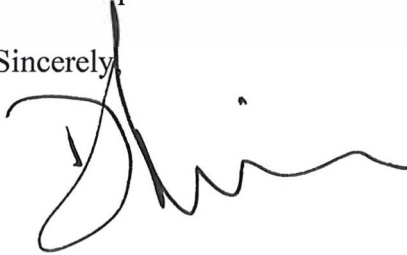
The program is, in our estimation, important to the effective implementation of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) and particularly with regard to the recognition given by that declaration to the ability of Indigenous peoples to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions. The recognition of principles stated in UNDRIP through both federal and provincial legislation increases the urgency for programs such as this in order to develop understanding of the integration of Canadian and Indigenous laws

Donald J. Avison, KC
Executive Director/Chief Executive Officer

geared to protect those cultural imperatives and to increase knowledge and understanding of the extent and value of that heritage.

We anticipate that this will be a very successful and well-regarded program.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Avison". The signature is fluid and cursive, with a large initial "D" and "A".

Don Avison, KC (*he/him*)
Executive Director/Chief Executive Officer



November 21, 2023

Sent via e-mail

Dr. Val Napoleon
Law Foundation Chair of Indigenous Justice and Governance
Director, Indigenous Law Research Unit
Faculty of Law
University of Victoria
Box 1700, STN CSC, Victoria, BC V8N 3L2

Dear Dr. Napoleon:

Re: Professional Specialization Certificate in Intellectual and Cultural Property Law

I am writing this letter to express my enthusiastic endorsement for the establishment of a Professional Specialization Certificate in Intellectual and Cultural Property Law at the University of Victoria. I firmly believe that this course will greatly benefit students and contribute to the legal education landscape in Canada.

Intellectual property is an ever-evolving and dynamic field that plays a pivotal role in fostering innovation, creativity, economic development and cultural education and diversity. The development of Canadian laws governing intellectual and cultural property must be carried out in a manner that recognizes and restores Indigenous self-determination. The protection of Indigenous intellectual and cultural property is elemental to securing the well-being and longevity of Indigenous cultural, language and legal systems. Indeed, Article 31 of the *United Nations Declaration on the rights of Indigenous Peoples* states as follows:

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. *They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.*[Emphasis added]

The need for well-trained professionals in this area has never been more crucial. By offering a dedicated certificate on intellectual and cultural property law, the University of Victoria, Faculty of Law, will provide students with the specialized knowledge and skills necessary to navigate the complexities of IP law, with a particular focus on the role that IP law will play in the protection and expression of Indigenous culture.



Moreover, the inclusion of an intellectual and cultural property law certification program will enhance the overall Indigenous-based curriculum, offering students a more diverse range of legal education options. This expansion will attract prospective students interested in specializing in intellectual property law, further enriching the student body and contributing to the University of Victoria's reputation as a leader in innovative and groundbreaking fields.

If you require any further information or have additional questions, please feel free to contact me at president@indigenousbarassociation.onmicrosoft.com or (403) 461-7928.

Sincerely,

Drew Lafond, Indigenous Bar Association in Canada, President



Sarah Miller, Law Librarian and Indigenous Studies Librarian

Telephone: 250-721-8561

Email: sarahfmiller@uvic.ca

Jessie Lampreau, Indigenous Initiatives Librarian, Law

Telephone: 250-472-4972

Email: jlampreau@uvic.ca

DATE: November 22, 2023

TO: Tania Muir
Director, Languages, Arts and Culture
Division of Continuing Studies, University of Victoria

FROM: Sarah Miller, Law Librarian and Indigenous Studies Librarian
Jessie Lampreau, Indigenous Initiatives Librarian, Law

RE: Library comments on the Professional Specialization Certificate in Intellectual and Cultural Property Law

Thank you for the opportunity to review the proposed Professional Specialization Certificate in Intellectual and Cultural Property Law.

We foresee no additional library implications for this certificate, as it is comprised of existing law courses, and our current collections practice involves purchasing resources to support existing courses and faculty research areas. In addition, the Law Library has an endowment fund for purchasing Indigenous law resources, which would include Indigenous intellectual property and cultural property resources.

Please let us know if you have any questions about this, or if there is any other information we can provide.

Best,

Sarah Miller
Jessie Lampreau