

# ***Nimípuu* - Lewis and Clark Rediscovery Life-Long Learning Online Internet Project**

## Attachment A – Cultural Property Rights Agreement

11 July 2001

**Objective:** The objective of this agreement is to safeguard and protect the cultural property of the *Nimípuu* (Nez Perce). Cultural property is defined as knowledge and information concerning ideas, practices, objects, landscape, or any other expressed view associated with the culture of the *Nimípuu* people. As cultural property information is obtained for this project, we seek to protect it from uses other than those designated by the *Nimípuu*, and specifically approved by the Nez Perce Tribal Executive Committee and its designated agencies.

**Considerations:** 1. “Patents, copyrights, and trademark are mechanisms designed to protect an inventor, creator, or designer’s individual creations or novel company investments. Inventions, defined by the World Intellectual Property Organization as new ideas that solve a particular problem in a technical field, are covered by patents, which protect the owner of the patent from having his product copied by competitors. Copyrights protect literary, scientific, and artistic works, as well as computer software. Copyrights do not protect ideas as such; rather they protect the specific way in which the author has chosen to express the idea. Trademark, another form of intellectual property protection, distinguishes the products of one firm from those of other firms in a related field. According to Greaves (“Tribal Rights,” in *Valving Local Knowledge*, Island Press, 1996), such legal measures fall far short of protecting the intellectual property rights and biological resources of indigenous peoples. Indigenous or local knowledge is unique to a given culture or society, and it contrasts with knowledge generated, say, within universities or other research institutions; it is a communal inheritance, often specific to a particular locality or way of life. The use of traditional knowledge is governed by community regulation. It has no identifiable author and is already in the public domain, and there cannot be protected under current copyright and patent laws.” (Ian McIntosh, “Intellectual Property Responsibilities,” *Cultural Survival*, Winter 2001: 4).

Patents, copyrights and trademarks evolved out of Euro-American legal consideration to protect individual property defined in terms of a commodity. Such legal safeguards were and are not fundamentally designed to protect the collective cultural and intellectual property rights of indigenous peoples.

2. Recognizing the sovereign status of the Nez Perce Tribe, the tribe has the right to monitor and regulate how *Nimípuu* cultural property is used and shared publically. This right is exercised through its Nez Perce Tribal Executive Committee (NPTEC) and any other body it so designates.

3. The agreement is entered into by the principal investigator (and any research assistants under his supervision) in the *Nimípuu* - Lewis and Clark Rediscovery Life-Long Learning Online Internet Project and by the Nez Perce Tribe, and is applicable and binding between these two parties.

**Action:** 1. Utilize a thorough review process to access, adjust, and approve the cultural property and information obtained for this project by the principal investigator, accessing its accuracy, authenticity, and appropriateness for public sharing and dissemination. The review process would involve each interviewee involved in the project, the Office of Cultural Resources, the Internet Project Committee, and, finally, NPTEC. No cultural property would be publicly disseminated as part of this project without prior approval of the above said individuals, committees, and agencies.

2. Copies of all cultural property and informational materials obtained for this project (e.g., still photos, video and audio tapes, and print materials of interviews and imaging) by the principal investigator, whether used in the final Internet modules or as supplemental, non-used research materials to the modules, would remain with the tribe and housed in the Office of Cultural Resources. Such materials are considered the cultural property of the Nez Perce Tribe, to be used as deemed appropriate by the tribe and its agencies.

3. No additional or future uses (e.g., print or web publication) of any cultural property and informational materials obtained for this project by the principal investigator would be permitted without the prior approval of NPTEC.

4. The *Nimípuu* have the continued right to monitor and adjust the content of the *Nimípuu* - Lewis and Clark Rediscovery Life-Long Learning Online module. If any adjustments are requested, they would be coordinated and facilitated through the principal investigator or through an internet technician working on the Lewis and Clark Rediscovery Life-Long Learning Online Project. The monitoring shall begin upon final NPTEC approval of the project and shall continue for up to two years following the date of the project's inception.

5. All web-based materials approved by the NPTEC for use on the Lewis and Clark Rediscovery Life-Long Learning Online site will carry the appropriate tribal copyright © sign, identifying each web-based page as copyrighted to the Nez Perce Tribe.

Signature of Principle Investigator: \_\_\_\_\_

Date: \_\_\_\_\_

Witnessed by a  
Nez Perce Cultural Resources Official: \_\_\_\_\_

Date: \_\_\_\_\_