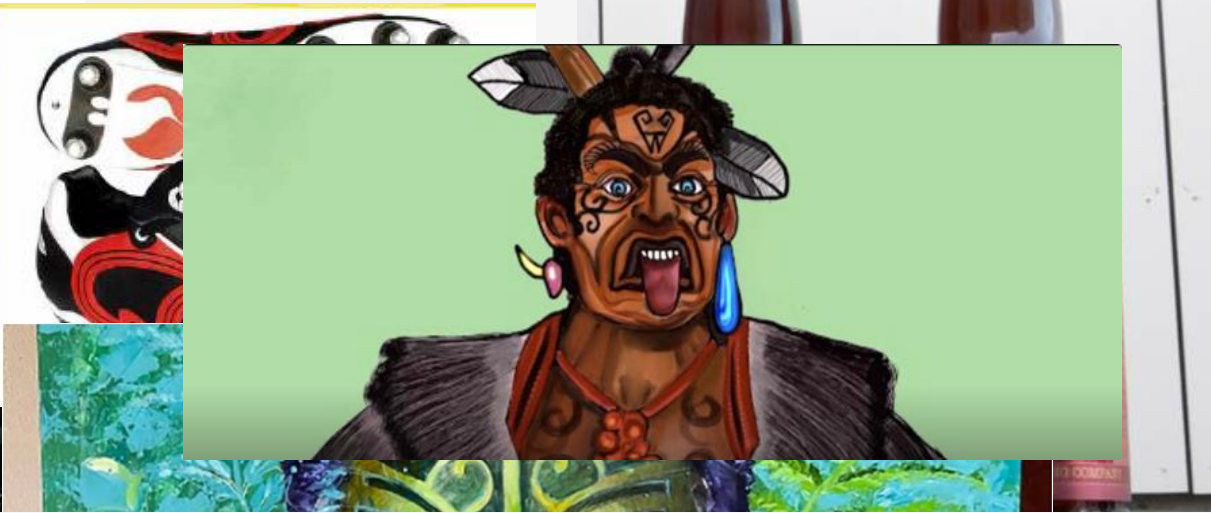




AI, IP, and Indigenous Rights

Lynell Tuffery Huria

What is the issue?



Facial recognition technology is one of the most racist weapons in the police arsenal



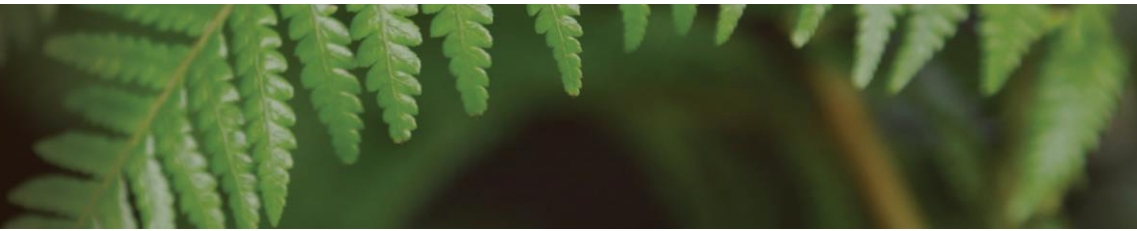
Patents threaten to misappropriate Māori knowledge

Intellectual property framework

- Originates from overseas
- Industrial revolution
- Innovation
- Globalisation
- Trade Agreements
- World Trade Organisation
- Exclusive ownership
- Public domain
- Intellectual property rights
- Strong protection under national laws

What is WAI 262?

- agreed to various international agreements and obligations that affect indigenous flora and fauna and the intellectual property rights and rights to other taonga



Wai 262 - Key themes

- It is necessary to protect Māori culture and identity because that is how we protect New Zealand culture and identity
- New Zealand's law should make room for the relationships between kaitiaki and their taonga works, taonga species, and mātauranga Māori to flourish as a matter of national interest.

Wai 262 - Key themes

- Taonga works and mātauranga Māori should be legally protected. In certain circumstances, ***taonga-derived works*** should also receive some protection. The benefits of doing so will be felt not only by kaitiaki but by the country as a whole, in both the short and long term.
- Kaitiaki interests in mātauranga Māori in taonga species should be protected.

Wai 262 - Key themes

- IP laws do not protect kaitiaki rights and interests
- IP rights can protect aspects of mātauranga Māori, but are not sufficient for mātauranga Māori to flourish
- Other structures and regimes need to be established

Indigenous rights based approach

- Collective ownership for benefit of community
- Enduring responsibilities on the community
- Values – kaitiakitanga (custodianship), whanaungatanga (relationships)
- Cultural practices – kawa and tikanga, mātauranga Māori, reo Māori

Indigenous rights based approach for AI

- Introduce Protocols
 - Who?
 - Why?
 - What?
 - How?
 - When?
 - Where?

Indigenous rights based approach for AI

- Use and registration consistent with:
 - Whakapapa – truth, connection to whenua
 - Attribution
 - Kaitiaki
 - Consent
 - Benefit sharing

Indigenous rights based approach for AI

- 5 stage test (Tā Hirini Moko Mead)
 - Tapu
 - Mauri
 - Take-utu-ea
 - Precedent
 - Principles – whanaungatanga, manaakitanga, mana, noa, tika

Reconciling differences between indigenous rights and AI

- Understand lack of protection for indigenous culture in AI
- Scope within AI to build protocols and process to make room for indigenous rights

Indigenous knowledges informing 'machine learning' could prevent stolen art and other culturally unsafe AI practices

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Balancing Nature and Technology: Integrating Indigenous Knowledge in AI Sustainability

Indigenous-Led AI: How Indigenous Knowledge Systems Could Push AI to be More Inclusive

Ngā mihi

