

# Pride Yarns Indigenous Cultural Intellectual Property (ICIP) Protocol

## 1. Objective

The primary objective of this protocol is to outline the Indigenous Cultural and Intellectual Property (ICIP) that may be brought forth in the Pride Yarns research project, and how this ICIP will be protected. The underlying principle of this protocol is that any ICIP shared by knowledge holders as part of the Pride Yarns project remains theirs. This should be read in conjunction with Aboriginal and Torres Strait Islander Peoples Data Sovereignty Statement,

## 2. Definitions

For the purpose of this protocol and the Pride Yarns project, the following definitions are adopted:

- **Pride Yarns:** refers to the “Pride Yarns: Development and Trial of an Inter-generational Intervention for Supporting Aboriginal and Torres Strait Islander LGBTQA+ Young Peoples' wellbeing” research project.
- **Pride Yarns Intervention:** refers to the intergenerational intervention to support the social and emotional wellbeing of Aboriginal and Torres Strait Islander LGBTQA+ young people that will be developed as part of Pride Yarns.
- **Pride Yarns Toolkit (the Toolkit):** refers to a guide on how to scale-up the Pride Yarns intervention that will accompany the Pride Yarns Intervention.
- **Indigenous Intellectual and Cultural Property (ICIP):** Refers to “...all aspects of Indigenous peoples' cultural heritage, including the tangible and intangible”. (Jenke, 1998). Specific to this project, ICIP refers to cultural knowledge that is shared either in the development of the Pride Yarns intervention or during the implementation of the intervention itself. The term 'Indigenous' is used respectfully and in reference to the common terminology used in the ICIP literature.
- **Research team/research team members:** The institutions and organisation and their respective Chief Investigators, and the Associate Investigators of the Pride Yarns project funded by the Commonwealth of Australia pursuant to the Multi-Institutional Agreement between the Commonwealth of Australia, Edith Cowan University, Murdoch University, University of Western Australia and Youth Affairs Council of WA, signed on and about February 2024.
- **Aboriginal Governance Group:** members of the Pride Yarns Aboriginal Governance Group are local Elders and Aboriginal LGBTQA+ community leaders in Perth, WA. The group is responsible for all aspects of project oversight and governance, including data governance, alongside the LGBTQA+ Youth Governance Group.
- **Youth Governance Group:** members of the LGBTQA+ Youth Governance Group are Aboriginal and Torres Strait Islander LGBTQA+ young people (14-25 years) in Perth, WA. The group is responsible for all aspects of project oversight and governance, including data governance, alongside the Aboriginal Governance Group.
- **Aboriginal Advisory Group:** members of the Pride Yarns Aboriginal Governance Group are Noongar Elders and Aboriginal LGBTQA+ community leaders in Perth, WA. The group is responsible for providing advice on the conduct of the research project, alongside the project governance groups.
- **Background IP** means Intellectual Property that is already owned or controlled by a party or research participant, including but not limited to Intellectual Property developed prior to or independently of this Pride Yarns project, which the party or research participant determines, in its sole discretion, to make available for the carrying out of this Pride Yarns project.
- **Research participant** is an individual who takes part in this project by providing data or information to the Research team/research team members.

### 3. How does ICIP relate to the Pride Yarns project?

The goal of the Pride Yarns project is to co-develop and test an intergenerational support intervention which brings together Aboriginal and Torres Strait Islander LGBTQA+ youth with respected community members and Elders to safely discuss how LGBTQA+ identities can be accepted and celebrated within culture. The project will be on Noongar Country and is based on a pilot project where we facilitated yarning circles between Elders and Aboriginal and Torres Strait Islander LGBTQA+ youth.

ICIP for the Pride Yarns project is cultural knowledge that is about gender, sexuality and youth wellbeing. This knowledge is held, owned, and continuously developed by the Elders, community members, and Pride Yarns research participants. This knowledge is *not* the same as research findings and is distinct and separate from research information or data that is collected from any person associated with the Pride Yarns project.

### 4. Will Pride Yarns involve the use of ICIP?

It is possible that during the Pride Yarns project knowledge holders will be asked to share their ICIP for the purpose of achieving the project goals. This will ensure that a culturally appropriate, ethical, and empowering intervention is developed as part of the Pride Yarns project.

The sharing of ICIP for the purpose of achieving the goals of the Pride Yarns project does **not** equate to ownership of the ICIP by the Pride Yarns research team (see section 4.2).

#### 4.1. What ICIP does the Pride Yarns project wish to use?

The ICIP discussed in Pride Yarns may involve, but is not limited to:

- Oral Traditions and Stories about gender- or sexuality-based practices in Noongar culture
- Cultural Protocols related to gender and/or sexuality (for example, how non-binary Aboriginal people can navigate men's and women's business). *Note: Knowledge holders will not be asked to share specific men's and women's business content.*
- Any art of visual culture that is shared with the project as part of achieving the project goals (e.g., sharing or creation of an artwork that represents gender, sexuality or culture)
- Cultural ways of governing a research process
- Traditional healing practices to support the wellbeing of Aboriginal and Torres Strait Islander LGBTQA+ youth
- Knowledge of gender roles within Noongar culture
- Knowledge of family structures within Noongar culture
- Ways of talking to families or community members about gender and sexuality.
- Noongar language, including definitions and meanings of Noongar words

New cultural knowledge may evolve through the process of developing the intervention, and this will be included under ICIP protections.

#### 4.2. How will ICIP be used by the Pride Yarns project?

Any ICIP shared by knowledge holders with the Pride Yarns research team will be used to exclusively to:

- inform the ways in which the research project is conducted
- develop content and guide for Pride Yarns intervention and intervention Toolkit

ICIP will be shared with the parties research team/research team members and Commonwealth Government ICIP shared during the project will never be used outside of this scope.

#### 4.3. Who will own the ICIP shared with the Pride Yarns project?

The Pride Yarns project adopts the definition of ICIP ownership outlined in the recent University of Newcastle ICIP Community Protocol: “ICIP is collectively owned (by groups, families) and contributed to by many people as it is maintained, developed and passed down through generations” (The University of Newcastle, 2023, p19).

#### *4.4. What will be the process to obtain and gain consent for the Pride Yarns project to use ICIP?*

- All research participants will be advised of the possibility that they may be asked to share the forms of ICIP listed in section 2 via written Participant Information and Consent Forms (PICF). All research participants will provide informed consent to participate in Pride Yarns research which also include consent to share ICIP with the project.
- Participants will be asked to provide a next of kin contact in their consent form. This is so that, in the instance that a participant becomes deceased or incapacitated, the researchers can contact their next of kin to seek permission for ongoing use of their ICIP should
- Members of the Pride Yarns Aboriginal Governance Group, the Youth Governance Group and the Aboriginal Advisory Group will consent to sharing their ICIP with the project via their involvement in the associated groups.
- Aboriginal investigators on the project consent to sharing their ICIP with the project via their involvement in the project.
- Aboriginal research institutions such as Kurungkurl Katitjin at Edith Cowan University and Kulbardi Aboriginal Centre at Murdoch University consent to sharing their ICIP with the project via their involvement in the project.

#### **5. What are the risks of knowledge holders sharing their ICIP with Pride Yarns and how will these risks be mitigated?**

There is a long history of research teams using ICIP without the permission of the owners of said ICIP. This has resulted in irreparable harm to Aboriginal and Torres Strait Islander communities. This protocol represents a way to mitigate the risks of knowledge holders sharing ICIP with research teams, by identifying how ICIP will be shared and protected.

There is a low risk that in the sharing of ICIP participants may be identifiable through the knowledge they share. Participants will be made aware of this risk via the PICF.

There is a risk that throughout the course of the Pride Yarns project, someone who has shared ICIP with the project passes away. The onus is on the research team to communicate developments and ensure that family connections and contacts are kept up to date to ensure that ICIP is shared only in the ways that the knowledge holder intended. Knowledge holders will be asked to let the research team know the contact details of a trusted person (e.g., next of kin) who can represent their interests in the event they are unable to continue to represent the ICIP they have shared with the project.

Aggregated data that includes ICIP cannot be shared without the decision and authority of the knowledge holder(s).

#### **6. How will knowledge holders withdraw their consent for use of their ICIP?**

Knowledge holders will need to contact a member of the research team and detail the specific ICIP they have shared and that they would like to remove their consent for its use. If the ICIP has been incorporated into the Pride Yarns Intervention and Toolkit all efforts will be made to remove it from these, however, this may not always be possible.

#### **7. What are the costs involved?**

- ICIP may be shared by research participants during the course of participating in interviews or yarning circles. Participants will be reimbursed for their time.

- ICIP may be shared by governance group or advisory group members for the purpose of advising and guiding the project. Governance and advisory group members will be reimbursed for their time.
- ICIP may be shared by Aboriginal project investigators, who are all salaried employees.

If specific artworks are commissioned as part of the Pride Yarns project the creators of these artworks will be appropriately reimbursed.

The Pride Yarns intervention will be freely available to project partners (Wungenning Aboriginal Corporation, Yorgum Healing Service, and Youth Pride Network) and will not be used for the commercial benefit of the research team, participants, Governance Groups, Advisory Group or any institutions involved.

#### **8. What is the process for resolving disputes around ICIP use?**

All research team members will endeavour to resolve conflicts respectfully and in a timely manner. Should conflicts arise with the use of ICIP, the parties resolve within the group at first instance. If that fails, then the parties will consult their relevant stakeholders and seek a mediation mechanism.

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