

Indigenous Intellectual Property Program Grant

Program Guide

2024 - 2025







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1 The Indigenous Intellectual Property Program

Innovation, Science and Economic Development Canada's (ISED) Indigenous Intellectual Property Program (IIPP) includes grants aimed at making the **Intellectual Property** (IP) system more inclusive of First Nations, Métis, and Inuit peoples in Canada. The IIPP is part of the broader <u>Intellectual Property</u> <u>Strategy</u> under the Government of Canada's <u>Innovation and Skills Plan</u> and builds on commitments to reconciliation, a recognition of Indigenous rights and implementation of the <u>United Nations Declaration</u> <u>on the Rights of Indigenous Peoples</u> (UNDRIP) Act. The IIPP grants seek to provide an opportunity for eligible Indigenous organizations to seek funding for travel, small-scale initiatives and projects related to IP, **Indigenous knowledge** (IK) and **Indigenous cultural expressions** (ICEs). See Annex A Glossary for a list of terms used in this guide.

The Marketplace Framework Policy Branch at ISED (the 'IIPP Granting Authority') is responsible for administering all aspects of the IIPP grant application process.

2 Objectives

The objective of the IIPP grant is to promote a more inclusive IP system for Indigenous peoples, starting with initiatives focused on education, awareness raising and capacity-building. It also seeks to provide opportunities for Indigenous peoples to advocate their interests through engagement activities, increase participation in domestic and international discussions on IP and IK and ICEs, and explore ways to make the IP system more accessible to Indigenous people.

3 Guiding Principles

The IIPP Granting Authority will be guided by the following principles when implementing the IIPP grant application process:

- Respect Indigenous worldviews, and the rights of Indigenous Peoples, as articulated in UNDRIP (2007) and as supported in the United Nations Declaration of the Rights of Indigenous Peoples Act (2021);
- Support and uphold the principles of reconciliation, articulated through the report of the Truth and Reconciliation Commission of Canada (2015);
- Support activities that:
 - o Respect and encourage First Nations, Inuit and Métis self-determination;
 - o Increase use of the IP system by Indigenous Peoples in Canada;
 - Recognize Indigenous creative and innovative practices and communities; and
 - Enable Indigenous economic, social, and cultural development.
- Recognize the distinct and unique place of First Nations, Inuit and Métis peoples in Canada as holders, creators, interpreters, translators and transmitters of IK and ICEs;







- Recognize the unique contributions of First Nations, Inuit and Métis peoples in Canada to Canada's economy and culture;
- Recognize the distinctiveness of the many unique and self-defining First Nations, Inuit and Métis peoples in Canada, as well as the important roles and responsibilities of key individuals such as knowledge holders, Elders, women, leaders, and cultural advisors;
- Support Canada's commitment to inclusion and diversity by applying a Gender-Based Analysis Plus (GBA+) lens to the implementation of the IIPP whenever possible, including, but not limited to, considerations of gender expression or gender identity, sexual orientation, age and mental and physical disability. See the <u>Gender-based Analysis Plus (GBA+) webpage</u> for more information.

4 Grant Funding

There is a total of \$150,000 in non-repayable grants available for 2024 - 2025 ('**Funding Period**'). Indigenous organizations eligible for funding (see Section 5.1) can apply for grants to fund Eligible Activities listed under Section 5.4.

Funding can only be used to support expenses incurred before the Completion Date, as included in individual Funding Agreements.

5 Eligibility

5.1 Who Can Apply

Eligible organizations are Indigenous Organizations in Canada that are a part of the following Indigenous (i.e., First Nations, Métis, or Inuit) categories of recipients:

- Recognized representative Indigenous bodies at the national, regional, or local level;
- Indian Bands/Inuit Settlements;
- District Councils/Chiefs Councils;
- Indigenous Associations/Organizations;
- Tribal Councils;
- Other Indigenous Communities;
- Indigenous Economic Institutions/Organizations/Corporations/Businesses;
- Beneficiary organizations of comprehensive land claims and/or self-government agreements with any group of Indigenous people;







- Indigenous Cultural Education Centres;
- Indigenous Co-operatives; or,
- Boards and Commissions.

The IIPP Grant cannot directly fund¹:

- Non-Indigenous-owned or -operated organizations or public institutions,
- Indigenous-focused organizations that are not officially affiliated (i.e., owned, operated, or representatives) with Indigenous peoples;
- Individuals; or
- Organizations not based in Canada.

5.2 Subject Matter

Proposals must be focused on subject matter related to the protection of intellectual property, Indigenous knowledge, and Indigenous cultural expressions².

The IIPP Grant could fund proposals focused on:

- the protection of Indigenous intellectual property under the Canadian intellectual property regime (e.g., copyright, trademarks, industrial designs, patents, trade secrets, etc.);
- the protection of Indigenous knowledge and cultural expressions not currently protectable under, but related to, the IP system (e.g., collectively-owned Indigenous knowledge and cultural expressions, knowledge about medicinal properties of plants, "styles" of Indigenous arts and crafts not covered under copyright, oral traditions that are not fixed, etc.) through alternative means such as the development of contracts, licence agreements, protocols, guidelines, etc.





¹ Note that eligible organizations may choose to sub-contract with an organization that is not itself eligible to apply, but all proposals <u>must</u> be led by the applicant and focus on benefits for Indigenous peoples.

² Also see "Introduction to Intellectual Property Rights and the Protection of Indigenous Knowledge and <u>Cultural Expressions in Canada</u>" for more information about the complex relationship between IP and IK and ICEs.



The IIPP Grant cannot fund proposals focused on:

- Knowledge about <u>places and locations</u> (e.g., sacred sites, migration routes, etc.) with no links to IP
- The *preservation, maintenance, creation or development* of Indigenous knowledge and cultural expressions with <u>no link</u> to *protection* through intellectual property or other means (e.g., recording the process of creating a handicraft or harvesting a plant without consideration of how the recording or the IK itself will be protected).

Please note that while the IIPP Grant can fund a portion of a larger project planned by an applicant, the proposed work must be primarily focused on eligible subject matter (e.g., related to IP, IK and ICEs).

5.3 Funding Streams

There are three (3) funding streams under the IIPP grant:

5.3.1 WIPO Travel Stream

This stream makes funds available for travel to World Intellectual Property Organization (WIPO) events, meetings, and negotiations³ related to IP and IK and ICEs, particularly the Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore (IGC) – not exceeding \$5,000 for a single person per trip. Applicants must be <u>Accredited Observers</u> to the intended meeting in order to be eligible for funding under this stream.

The IIPP Granting Authority reserves the right to approve funds for only one traveller per trip per applicant, in the event WIPO travel applications are received from multiple organizations. If any funds remain, the IIPP Granting Authority may allow funding for additional travellers for the same event.

³ Applicants should note that since funding may be disbursed as late as March 31, 2025, any proposed workshops, meetings or other specific events occurring in this time period may not receive funding in time, if they are selected for a grant. If this occurs and no approved alternative activities are proposed, the applicant's budget may require adjustments before funding is disbursed.



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5.3.2 Small-Scale Initiative Stream

This stream makes funds available for short-term IP-related activities¹, limited in scale and scope, and resources required – not exceeding \$15,000.

5.3.3 Project Stream

This stream makes funds available for IP-related projects that are more complex or comprehensive than Small-Scale Initiatives, requiring more resources and a longer duration and can include a combination of activities¹ as listed below – not exceeding \$50,000.

5.4 Eligible Activities

5.4.1 WIPO Travel

Eligible Activities for the WIPO Travel stream include:

- Participation in World Intellectual Property Organization (WIPO) events, meetings or negotiations relating to IP and IK and ICEs; and
- Research and preparation to support participation.

5.4.2 Small-Scale Initiatives and Projects

Eligible Activities under the Small-Scale Initiatives and Projects streams may include:

- IP education, capacity building and awareness raising activities;
- Development of an IP Strategy, including associated expert advice;
- Research on and registration of IP;
- Contracting or conducting research on subjects related to IP and the protection of IK and ICEs;
- Obtaining expert advice on issues related to the protection of IP, and IK and ICEs;
- Hosting or co-hosting workshops, conferences, seminars, meetings, or other similar events aimed at the development of policy positions on IP and IK and ICEs;
- Development of guidelines, protocols, pilot projects or similar undertakings relating to IP and IK and ICEs; and
- Participation in workshops, conferences, seminars, meetings, or other similar events, with a focus on IP and the protection of IK and ICEs.







5.5 Acknowledgement of use of IK or ICEs (if applicable)

If a proposed activity involves the actual use of IK or ICEs, the recipient must ensure that any applicable protocols and customs are being observed. Recipients are responsible for obtaining any necessary permissions to use IK or ICEs and to include acknowledgements of the source(s).

5.6 Eligible Expenditures

Eligible Expenditures are those incurred by a recipient and which, in the opinion of the IIPP Granting Authority, are reasonable and required to carry out the Eligible Activities to which they relate. Only costs that are deemed necessary in achieving the objectives for which the funding was granted will be eligible.

5.6.1 WIPO Travel

Eligible Expenditures for WIPO Travel may include:

- Travel and other related expenses, such as airfare, car rental, gas, taxis, parking, accommodations, meals, and incidentals in accordance with Government of Canada travel guidelines as set out in the <u>National Joint Council Travel Directive</u>. Applicants should select cost effective options for airfare, accommodations and other travel-related costs.
- Reasonable time required for research and preparation to support participation.

5.6.2 Small-scale Initiatives and Projects

Eligible Expenditures for Small-scale Initiatives and Projects may include:

- Purchases of or subscriptions to educational resources or training;
- Costs for hosting events regarding IP and IK and ICEs, whether virtual or in-person, including costs for logistics, technical requirements, and hospitality;
- Payments to suppliers of goods and services such as printers, translators, graphic designers and proofreaders;
- Fees for consultants or contractors, such as lawyers, researchers, policy advisors and facilitators, to support activities such as protecting and enforcing IP rights, developing an IP strategy, drafting policy papers, creating guidelines or protocols, supporting event planning, etc.;
- Costs of purchasing materials directly related to the proposed activities;
- Honoraria or compensation paid to Indigenous peoples, such as knowledge holders, Elders, or cultural professionals, for their participation in events, training, meetings and discussions;
- One-time training or workshop costs other than an ongoing program of study;
- Conference, symposium or webinar fees;
- Costs associated with registration of IP relating to an existing or in development product or service, including products or services based on IK or ICEs; and/or

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 Travel and other related expenses, such as airfare, car rental, gas, taxis, parking, accommodations, meals and incidentals, in accordance with Government of Canada travel guidelines as set out in the <u>National Joint Council Travel Directive</u>, if directly related to the initiative or project. Applicants should select cost effective options for airfare, accommodations and other travel-related costs.

5.7 Ineligible Expenditures

Ineligible Expenditures include:

- Land or building acquisition, construction, leasing or renovation costs;
- Research and development of products or services;
- Financing charges and loan interest payments;
- Property taxes;
- Any goods and services costs which are received through donations or in kind;
- Lobbyist fees;
- Goods or services provided by someone under 18 years of age;
- Activities that are illegal according to the Criminal Code of Canada;
- Activities carried out to satisfy course requirements of an educational institution or to support the delivery of an educational program or course;
- Activities funded by another Government source (Federal, provincial, territorial, or municipal);
- Fundraising activities;
- Capital expenditures (e.g., purchasing computer equipment), unless explicitly identified elsewhere as eligible;
- Contests and competitions (including prizes and awards);
- Contributions to endowment funds;
- Any other expenses not related to achieving the objectives of the IP Strategy and the IIPP Grant.

5.8 Entitlement Criteria

Continued eligibility for funding will be conditional upon the completion of any requirements, such as the submission of any required reports, for previous IIPP grants received, and/or previous or current grants or contributions received from ISED within the last 5 years.

6 The IIPP Grant Process

6.1 The Application Process

The IIPP Grant Application Process is outlined in Figure 1: IIPP Grant Application Process Overview below.





Organizations must submit a completed Application Form which can be found on the IIPP Grant webpage or by requesting a copy from the IIPP Granting Authority.

Completed applications must be submitted electronically to the IIPP Granting authority and must be received no later than 11:59 pm (Pacific Time) on August 12, 2024, to be considered. Please contact us for further information or if you need assistance or accommodations to submit your application.

All questions, requests for forms, and submissions of applications can be sent by email to <u>IndigenousIP-</u><u>PIAutochtones@ised-isde.gc.ca</u>.

Figure 1: IIPP Grant Application Process Overview⁴

Application Process Launch

June 3, 2024

Public launch of the 2024-2025 IIPP Grant Application Process.

Application Submission Deadline

August 12, 2024

Final deadline for application submissions. Applications must be received on or before 11:59 pm Pacific Time to be considered for an IIPP Grant.

Application Assessment Period

Summer/Fall 2024

Applications will be assessed in stages, by an Assessment Panel and the IIPP Granting Authority, and recommended for funding.

Final Decision and Notice of Results

⁴ Please note that unless otherwise indicated, the estimated timeline is subject to change during the application and assessment process and is dependant on a number of internal and external factors. While the IIPP Granting Authority seeks to administer the program to the best of their ability, they appreciate your patience in the event delays are experienced.







Winter 2025

The Minister of Innovation, Science and Economic Development will make the final decision on the successful applicants / applications. Applicants will receive a notice of the results and successful applicants will receive further instructions to finalize funding agreements and process payments.

Supporting Documentation

Winter 2025

All recipients must submit signed documentation to process their grant payments by the date included in the notification package.

Grants Paid

Spring 2025

The IIPP Granting Authority process grant payments and confirm disbursal and receipt with the recipients, subject to internal processing timelines. The final date by which all grants <u>must</u> be paid to recipients is March 31, 2025.

6.2 Assessment Process Overview

Applications will be assessed in three (3) stages (see Figure 2: IIPP Grant Assessment Process Overview for an overview of the process). Where possible, the IIPP Granting Authority will incorporate Indigenous views and perspectives into the selection process, as appropriate. The IIPP Granting Authority may request clarification on applications, as required, to inform the assessments.

6.2.1 Stage 1 – Eligibility Assessment

Applicants for the WIPO Travel stream must also be accredited observers to the intended committee meeting to be eligible for funding.

Any applicant or application that meets all of the mandatory eligibility requirements will be deemed "eligible" for further consideration, while those that do not meet all the requirements will be "ineligible" and will not be assessed further.

6.2.2 Stage 2 – Merit-Based Assessment

Applications that meet the mandatory criteria will then be assessed on three (3) categories: Impact, Need, and Feasibility. This stage will be completed by a three (3) member Assessment Panel comprised of an Indigenous representative(s) and individuals with demonstrated Indigenous cultural competencies, experience working with Indigenous peoples on relevant issues, and/or relevant IP-related expertise, and may include individuals external to government.





Assessments will use a scoring system to assign points for each application (see 6.3 Assessment Criteria). With a combined total score of 100, an application must meet a threshold score of 50% or higher for <u>each</u> category to be deemed "qualified" for further consideration, while those that do not meet the thresholds will be "disqualified". Any discrepancies between panelists on whether an applicant meets any thresholds may require a discussion to develop consensus on the panel's recommendation. If consensus on an application cannot be reached, the average scores for each category will be used to determine qualification.

6.2.3 Stage 3 – Additional Considerations & Recommendations

In the event that the total funding requests of the "qualified" applications exceed the amount of funding available, further assessment may be required. If this is the case, the IIPP Granting Authority will also consider whether the application reflects the Guiding Principles in section 3 and whether the applicant represents and/or seeks to include a diversity of Indigenous peoples, including based on gender, geographic distribution, and age. Whether the applicant has previously received funding under the IIPP and is in good standing will also be a consideration.

If needed, the IIPP Granting Authority may request budgetary adjustments to some applications in order to ensure the recommended applications can be funded within the overall IIPP Grant budget.

6.2.4 Funding Decisions

The final funding decisions are made by the Minister of Innovation, Science and Economic Development Canada, based on the recommendations from Stage 3 of the assessment process and considers the results of the entire assessment process.

Figure 2: IIPP Grant Assessment Process Overview

Stage 1 – Eligibility Assessment

The IIPP Granting Authority assesses eligibility of applicants, proposals and budgets.

If eligible, application moves onto Stage 2, if not eligible, assessment does not continue.

Stage 2 - Merit-Based Assessment

A three (3) person assessment panel assigns scores for criteria in three (3) categories: Impact, Need, and Feasibility to establish score out of 100 points. Each category must pass (50%+) to qualify.

If qualified, application moves onto Stage 3; if not qualified, assessment does not continue.

Stage 3 – Additional Considerations & Recommendations





The IIPP Granting Authority uses the average scores and takes into consideration other asset criteria related to diversity and inclusion such as gender, region, peoples represented, age, disabilities, etc. in consideration of the funding available to develop recommendations.

If recommended, application is sent to the Minister of ISED for final decision.

6.3 Assessment Criteria

The Assessment Panel will assess the point-rated assessment criteria, outlined in sections 6.3.1 and 6.3.2. Each panelist will award points according to the following scale which will then be weighted according to the scoring in sections 6.3.1 and 6.3.2:

POINT-RATED ASSESSMENT CRITERIA SCALE

0: Does not meet criteria – The applicant did not provide any information to demonstrate the criteria is met.

1-4: Partially meets criteria – The applicant did not provide enough information to demonstrate the criteria is clearly met though there may be some potential.

5-7: Meets criteria – The applicant provides sufficient information to demonstrate the application meets the criteria.

8-10: Exceeds criteria – The applicant provides clear information to demonstrate the application meets the criteria and may even go above expectations.

The Assessment Panel will assign points using the following criteria:

6.3.1 WIPO Travel Stream

Impact 50% of Total Score

The potential of the travel to have the following results:

- 20 points contribute to awareness, capacity building, and policy development on IP and IK and ICEs in Canada or abroad;
- 20 points includes plans to build connections, including with Indigenous counterparts and develop new opportunities to exchange knowledge and experiences; and
- 10 points development of policy positions, research, or other policy-related work related to the proposed travel which may support the capacity building of the applicant on issues related to IP, IK and ICEs in Canada and internationally.

Need 20% of Total Score





20 points – the applicant demonstrates a need for funding to complete the proposed travel, and could not otherwise participate without external funding.

Feasibility 30% of Total Score

- 20 points the traveller has the technical and technological capacity and the ability to meaningfully participate in the WIPO session, including support from any partners or host organizations; and
- 10 points the budget is reasonable, in accordance with the National Joint Council Travel Directive.

6.3.2 Small-Scale Initiatives and Projects Streams

Impact 60% of Total Score

The Small-Scale Initiative or Project:

- 20 points – contributes to a greater understanding of IP and/or issues related to the protection of IK and ICEs;
- 15 points has social, cultural and/or economic benefits for the applicant organization; •
- 10 points has potential benefits for others beyond the applicant organization including • represented communities or interest groups and/or the applicant is planning to take steps to ensure benefits could be shared beyond the organization through the sharing of experiences with other organizations or businesses, or for policy and program development by the federal government; and
- 15 points results in some concrete outcome, such as a report, policy, tool, resource, product or service that is useful for the applicant organization and/or others seeking to better understand and/or protect IP, IK, and ICEs.

Need 20% of Total Score

- 10 points the applicant demonstrates a need for external funding to complete the • proposed Small-scale Initiative or Project; and
- 10 points the applicant and/or peoples represented by the applicant have a demonstrated need for the outcomes of the proposed Small-scale Initiative or Project.

Feasibility 20% of Total Score

10 points – the applicant or others engaged by the applicant have the qualifications, skills, capacity, experience, technological and financial capabilities necessary to undertake the Small-Scale Initiative or Project; and





• 10 points – the proposed approach to the Small-Scale Initiative or Project includes achievable outcomes and timelines.

7 Funding Agreement

Upon notification of a successful application, Funding Agreements will be signed by each successful applicant ('recipient') and an authorized official from ISED. The Funding Agreement will set out the terms and conditions of the grant funding that must be met prior to and following disbursement of the grant.

Recipients must have completed the requirements related to any previously awarded grants prior to signing any new Funding Agreement with ISED and receiving any new funding.

8 Payment

ISED will disburse 100% of the grant following the signing of a Funding Agreement and after the Recipient meets all the prerequisites, notably to submit administrative forms required for payment.

Payments to recipients will be made through direct deposit which requires 1) the recipient's banking information and 2) a copy of a void cheque.

9 Reporting requirements

Upon completion of the Travel, Small-Scale Initiative or Project for which funding has been awarded, recipients will be required to submit a report using a template to be provided by the IIPP Granting Authority, including actual expenditures, benefits and/or outcomes achieved. The report must be submitted by the recipient within 90 days after the Completion Date as stated in the Funding Agreement.

10 Service Standards

10.1 Acknowledgement

ISED will acknowledge receipt of applications, required documentation, and reports within 10 business days of receipt.

10.2 Processing

ISED will review the application and provide a response to the applicant within 4 months after the submission deadline.







10.3 Payment

ISED will issue payments to recipients within 30 calendar days after receipt of all additional required information for the transfer payment <u>and</u> after the execution of the funding agreement (see sections 7 Funding Agreement and 8 Payment).

Please note that the achievement of these service standards is a shared responsibility and is dependent upon the timely submission of all required documentation to the IIPP Granting Authority in accordance with the signed funding agreement.

11 Other Sources of Government Funding

Funding under the IIPP grant must respect the Canadian government's policy on total Canadian government funding and stacking limits. Applicants under the IIPP grant will therefore be required to disclose any additional government financial assistance (federal, provincial, territorial or municipal) they have requested or received towards their Eligible Activities. Total assistance cannot exceed 100% of total costs.

12 Official Languages Requirements

To facilitate timely assessment of grant applications, the Assessment Panel will evaluate applications in either French or English. Recipients will provide required documentation and reports in either French or English. Recipients may complete their activities in either official language *and* any Indigenous languages, if desired. Any concerns or issues related to language requirements can be directed to the IIPP Granting Authority at IndigenousIP-Plautochtones@ised-isde.gc.ca.

13 Access to Information and Privacy Requests

ISED may be required to disclose information the applicant submits in its application in accordance with the Federal <u>Access to Information Act</u> and the <u>Privacy Act</u>.

14 Disclosure of Information

By submitting a funding application, applicants and recipients authorize the IIPP Granting Authority to disclose information submitted for program administration, evaluation and development, program and departmental statistics, and for purposes in accordance with the <u>Privacy Act</u>.

15 Public Acknowledgement

Recipients shall acknowledge the funding of the Government of Canada in all communications materials, in line with any terms and conditions in the Funding Agreement.







16 Intellectual Property

In the event that intellectual property is created by the recipient, the **Intellectual Property** will remain the property of the recipient.

17 Audits, Program Evaluation, and Performance Tracking

Recipients may be required to respond to requests from the IIPP Granting Authority to participate in surveys and provide information for up to 5 years after completion of the Travel, Small-Scale Initiative, or Project for the purposes of performance tracking, audits, and program evaluation.

18 Contact us

Please contact the IIPP Granting Authority at <u>IndigenousIP-PIAutochtones@ised-isde.gc.ca</u> for further information or if you need assistance at any stage of the application process, including submitting a grant application, transfer payment requirements, reporting requirements or if you require accommodations.







Annex A Glossary

Completion Date – the agreed upon date or before which all Activities must be completed, as included in an executed Funding Agreement.

Funding Period – starts on April 1st, 2024 and ends on March 31st, 2025.

Indigenous knowledge (IK) – The term "Indigenous knowledge," also known as "traditional knowledge," generally refers to the know-how, skills, innovations and practices developed by Indigenous peoples related to biodiversity, agriculture, health and craftsmanship.

Indigenous cultural expressions (ICEs) – The term "Indigenous cultural expressions," also known as "traditional cultural expressions," generally refers to tangible and intangible forms in which Indigenous knowledge and culture are expressed. They may include oral stories, artwork, handicrafts, dances, fabric, songs or ceremonies.

Intellectual Property (IP) - According to the World Intellectual Property Organization, intellectual property is a creation of the mind. IP includes inventions, literary and artistic works, designs and symbols, and names and images used in business.

Recipient – A successful applicant that will receive or has received an IIPP Grant.



