



Policy Title:	Indigenous Cultural and Intellectual Property Policy		
Policy Owner:	Action Learning, Action Research Association Ltd		
Relevant Statute (if applicable):	N/A		
Relevant Legislation (if applicable):	N/A		
Policy Reference and Version No.:	Pol_4_2 ALARALtd_Publications _ICIP	Policy reviewers:	Colin Bradley Shankar Sankaran Riripti Reedy Shawn Wilson Erik Lindhuti Azril Bacal Yedida Bessemer Susan Goff Emmanuel Tetteh John Molineux Yangquan Tang Andrew Cook
Commencement Date:	17 September 2022	Next Review Date:	16 September 2025

i. Intent of Policy: Action Learning, Action Research Association Ltd (ALAR Association, also known as ALARA) publishes works via a journal, an occasional monograph series, occasional other publications, webinars and video recordings, and its websites.

This policy provides information on the cultural and intellectual copyrights associated with these publications by or about Australian and International Indigenous Peoples.

ii. Scope: ALAR Association supports the distribution of action learning and action research information and research. Indigenous practitioners and researchers and their allies may wish to submit a paper, monograph, book, presentation, video recording, practitioner paper, or other content that ALAR Association agrees to publish or present at events.

ALAR Association and the authors of this content must know the specific requirements for Indigenous cultural and intellectual copyright that do not comply with non-Indigenous approaches to copyright and access.

iii. Exclusions (if any): The policy does not apply to any materials that ALARA does not directly publish or promote.

iv. Key Objectives: To clarify Indigenous cultural and intellectual property terms of content published by ALAR Association that Indigenous authors or their allies author, or which makes use of Indigenous cultural and intellectual property in any activity or product associated with ALAR Association.

v. Policies, records and action plans Indigenous Action Learning and Action Research Working Group and any action plans associated with that group.

vi. Supporting/ Related Documents: ALAR Association copyright policy and related information: ALAR Association publication review criteria, author requirements, ALAR Association website.



- vii. Key Words:** Indigenous Cultural and Intellectual Property (ICIP)
Publication Submission
Protocol
- viii. Supporting Procedures/ Guidelines:** The submission guidelines and other content on the ALAR Association website (<https://www.alarassociation.org/publications/submission-guidelines> and related pages) and *Action Learning and Action Research Journal* site (<https://alarj.alarassociation.org/index.php/alarj/about/submissions> and related pages)
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1. Definitions and Acronyms:

“Submission” in this policy includes a journal article, artwork, blog, book, monograph, poster, practitioner paper, thesis research note, uploaded file (document, spreadsheet, picture, etc.), video recording or other form of information including its use at an event such as a webinar, conference, meeting or world congress.

ICIP rights are Indigenous People’s rights to their heritage and culture. Heritage includes all aspects of cultural practices, traditional knowledge, and resources and knowledge systems developed by Indigenous peoples as part of their Indigenous identity. ICIP rights also cover:

- Literary, performing and artistic works
- Languages
- Types of Knowledge, including spiritual knowledge
- Tangible and intangible cultural property
- Indigenous ancestral remains and genetic material
- Cultural environmental resources
- Sites of Indigenous significance
- Documentation of Indigenous heritage.

ICIP protocols (“the protocol”) have been widely used in Australia to protect ICIP in areas where the copyright law falls short. They provide a mechanism for the protection and recognition of ICIP. Recommended:

1. Respect
2. Self-Determination
3. Consent and Consultation
4. Interpretation
5. Cultural Integrity
6. Secrecy and Privacy
7. Attribution
8. Benefit Sharing
9. Maintaining Indigenous Culture
10. Recognition and Protection



“UNDRIP” is the United Nations Declaration on the Rights of Indigenous Peoples.

2. Forms and Templates

Indigenous Cultural and Intellectual Property Consent to Use form

3. Policy Functions: ALAR Association observes the ICIP protocols (Janke et al, 1997¹) in how it addresses the use of Indigenous cultural and intellectual property in all its events and production of material and virtual products carrying the ALAR Association brand.

ALAR Association understands that both in Australia and internationally, ICIP is not legally protected in a manner that is aligned with many Indigenous cultures.

ALAR Association follows best practice to protect Indigenous action learning and action research scholars, practitioners, audiences and co-participants while this field is moving towards national and international legal protection. The UNDRIP remains the international framework to guide this policy.

ALAR Association retains copyright of published non-Indigenous works, to ensure that

1. Authors' works are protected, and
2. Authors can benefit from the administration of copyright fees by ALAR Association, as a registered member of Copyright Agency Limited (CAL).

In the instance of Indigenous authors and their allies making use of ICIP in ALAR Association's activities, copyright related to ICIP will be negotiated case by case.

The ICIP may be included in the original work that the submission describes. The submission must include written statements in a) acknowledgements and b) ethics statements related to the work where relevant. These statements should identify the knowledge holders responsible for the ICIP and refer to documented evidence of their consent for the use of their ICIP in both the original work and the submission to ALAR Association.

Reference to this requirement is included in all publication and other ALAR Association activity submissions containing ICIP.

ALAR Association wants to keep in touch with authors to continue building the action learning / action research network of Indigenous researchers, practitioners and writers, existing and new.

4. Policy and Procedures:

1. ALAR Association may only accept submissions involving ICIP if accompanied by a signed and agreed consent to use agreement.
2. ALAR Association reviews all publication materials for ICIP matters and identifies submissions that may be deficient in treatment of ICIP and therefore requiring confirmation of free, prior and informed consent prior to publication.

¹ T Janke, Our Culture: Our Future, Proposals for the Recognition and Protection of Indigenous Cultural and Intellectual Property, (Discussion Paper) Michael Frankel and Company, July 1997



3. In those case where ALAR Association does not believe there has been free, prior and informed consent, the Indigenous Working Group works with the parties to obtain the right to use consent agreement to all parties satisfaction.
4. The Indigenous Working Group reviews all ALAR Association events and organisational activity for ICIP matters and identifies issues that require free, prior and informed consent from the cultural knowledge holders involved.
5. ALAR Association will not proceed with publication, event or any other ALAR Association branded activity if the appropriate knowledge holder has not agreed in writing to the sharing of ICIP with ALAR Association and the terms of that arrangement are not explicitly addressed according to the agreement.
6. ALAR Association does not retain copyright for ICIP rights exclusively, and authors are entitled to republish the article in a printed or electronic collection without charge as long as they ensure that the proper credit of the original ALAR Association publication, and they notify the ALAR Association Managing Editor of their intent to do so.
7. ALAR Association provides access to abstracts of journal articles to the public via its journal site (<https://alarj.alarassociation.org/index.php/alarj>), and full access to the entire journal to ALAR Association members via both the journal site and via its publications webpages (<https://www.alarassociation.org/publications/>). ALAR Association similarly embargoes access to monographs for ALAR Association members via the publications webpages. Full public access to both the journal and monographs becomes available on ALAR Association's publication webpages approximately twelve months after publication.
8. ALAR Association also provides electronic copies of some publications to search engines such as Informit and EBSCO, who sell copies of the articles or access licences to their databases. ALAR Association may receive payment for these sales, for either a publication or a single specified article.
9. ALAR Association provides electronic copies of the journal and monographs to a print-on-demand publisher, who sells printed copies as requested by the public, including via online bookstores. ALAR Association may receive a payment for copies sold.
10. When ALAR Association receives payment from any source for articles, the holder of the ICIP if a member of ALAR Association, is entitled to 50% of any copyright monies collected as a result of the identified reprint and/or redistribution of the work in the following circumstances. It is the responsibility of the holder of ICIP to redistribute benefits as that person or entity sees fit and indemnifies ALAR Association regarding distribution of payment beyond transfer of funds to the identified knowledge holder as agreed in the terms of use. This payment is made provided:



- a) The published work is an original work, or recognised ICIP submitted to and published in an ALAR Association publication with agreed terms of use protecting ICIP consistent with UNDRIP and any local protocols that reflect UNDRIP principles
 - b) The copyright monies are directly attributed to the author's works and are not general copyright monies for a publication with several works by several authors.
11. ALAR Association will:
- a) Manage the communication and referral of any requests for reprinting and/or redistribution of the work, consistent with the ICIP terms of use,
 - b) Endorse the ICIP terms , policy and copyright process through its Board,
 - c) Administer the ICIP terms of use and policy, copyright licensing and fees or monies associated with it, and
 - d) Notify authors of any monies to which they are entitled.
12. ALAR Association registers its publications with the National Library of Australia and the State Library of the state in which ALAR Association is registered (South Australia). ALAR Association provides copies of the publications to those libraries for access by library patrons.
13. ALAR Association endeavours to maintain the security of its websites and files attached to those sites, and to limit access to publications to those authorised by and arranged with ALAR Association. Most of ALAR Association's publications move to the public domain on publication or, as indicated above, approximately twelve months after publication. ALAR Association cannot be held responsible for unauthorised access and use of articles. ALAR Association does encourage authors to advise ALAR Association if they discover any unauthorised use of their (or others') articles or their ICIP, so that it can investigate and take action if possible.
14. ALAR Association expects that any disagreement or dispute between authors and ALAR Association over ICIP or copyright will be managed through active dialogue in keeping with the collaborative spirit of action research.
15. By submitting a work for publication by ALAR Association, the author(s) are agreeing to the ICIP terms, the ALAR Association copyright policy and ALAR Association's guidelines on authors' copies

5. Sub-groups

- Global Strategic Publications Editorial Board
- Editorial Team
- Editorial Advisory Board and Review Panel
- Conference Organising Committees for publications arising from events
- Indigenous Action Learning Action Research Working Group