

Sealaska Heritage Institute

Protection of Tlingit, Haida and Tsimshian Clan Crests and Intellectual Property and the Sale of Art and Use of Clan Property

Sealaska Heritage Institute's mission is to perpetuate and enhance Tlingit, Haida, and Tsimshian cultures with goals of promoting cultural diversity and cross-cultural understanding.

SHI's policy calls for the recognition and respect of traditional property laws and compliance with traditional practices that validate and respect **clan ownership of crests, names, songs and other cultural and intellectual property.**

Under traditional law, clan members collectively own clan property. Clan members may grant temporary ***use rights*** of their clan crests or songs to a grandchild of the opposite moiety, a non-clan member, or a dance group. An individual or dance group granted a ***use right*** is required to acknowledge the ownership of the granting clan. The recipient of a ***use right*** does not have the legal right or authority to transfer the ***use right*** to his or her descendants, to another dance group or any other individual or clan or to sell the ***use right*** for commercial use.

Artists may be commissioned by a clan member to design clan crests of the clan which commissioned the design. Artists, however, are not allowed to use and sell products with specific clan crests or designs, e.g. Eagle Nest House, House Lowered from the Sun, etc., in the art market. Traditional law and clan ownership also apply to oral traditions.

SHI recognizes that artists create or design Northwest Coast (NWC) art for the art market. **Artists may produce designs using generic formline designs depicting the Eagle, Raven, Salmon, Whales, Bears, etc., or basic formline designs such as ovoids and trigons on products that are made for sale or use in the commercial market.**

In order to maintain the quality and integrity of NWC art, SHI encourages individuals or entities that plan to use NWC art designs to utilize NWC artists to ensure that the design complies with NWC art designs and rules.

Oral traditions are generally owned by clans; however a number of oral traditions are owned collectively by several clans of the same moiety or by different Native tribes. For example, the Strong Man and Salmon Boy oral traditions are owned by several clans. Other stories such as The Woman Who Married the Bear are used by several tribes along the Northwest Coast in Alaska, Canada and Washington. These collectively-owned oral traditions do not require permission from clans or groups, but the ownership by these clans should be recognized when they are used.

The use of oral traditions should not violate cultural norms. For example, individuals should not participate in theatrical performances if they are in mourning. Previously recorded speeches should not be recited if they evoke a spirit unless a response from the opposite moiety is offered.

Rosita Worl, Ph.D., President

August 24, 2015