

Victoria Management School

MBUS 401
Maori Cultural & Intellectual Property Issues

Trimester Two 2010

COURSE OUTLINE

Contact Details

COURSE COORDINATOR & LECTURER

Aroha Te Pareake Mead

Senior Lecturer, Maori Business
Victoria Management School
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ADMINISTRATOR

Tania Loughlin

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Class Location and Time

Monday 09:30 – 12:20pm
Room: **RHMZ 04**

Withdrawal from Courses:

Your fees will be refunded if you withdraw from this course on or before **23 July 2010**

The last date for withdrawal from this course (*assuming it has 12 weeks of lectures, otherwise modify accordingly*) is the three-quarter point of the teaching period, i.e. **Friday 24 September**. After that date, permission to withdraw requires the permission of the Associate Dean (Students) as set out in section 8 of the Personal Courses of Study Statute

<http://policy.vuw.ac.nz/Amphora!~policy.vuw.ac.nz~POLICY~000000001743.pdf>

To apply for permission, fill in the Late Withdrawal form available from either of our Student Customer Service Desks.

Course Content

MBUS 401 is for students who have an interest in the ethical, cultural, social and legal issues commercialization of the Māori/Pacific and indigenous resource base and the growing trend to privatise cultural resources, both tangible and intangible, through intellectual property rights.

The growth of the Maori asset base and the strong entrepreneurial drive within Maori communities has resulted in a need to better understand current business practices and issues and to provide advanced learning opportunities in this rapidly developing field of endeavour. Maori business and organizations must operate and compete in the general business environment while operating with their own framework and philosophical value systems. In recent years the advancement and growth of Maori entities has opened up new horizons of intellectual pursuits.

The same can be said for an expanding number of Pacific culturally based individuals and organizations operating in New Zealand who are drawing on their cultural identities and traditions to establish a niche in the commercial world. The unique parameters of needing to advance in a competitive economy while retaining core traditional values and practices has opened up new areas of study.

This course introduces the concept of Maori/Pacific Indigenous Collective Bio-Cultural Heritage as a framework for critical analysis of Maori/Pacific indigenous cultural and intellectual property laws and policies. The Course also explores Maori, Pacific and indigenous epistemologies in terms of cultural identity, and re-claiming control over cultural research and resources.

The first seven lectures provide an overview of the core elements and values of intellectual property law and then move into analysis of how commerce and intellectual property laws intersect with culture, nature and biological diversity, traditional knowledge and the human body.

The concept of the “public domain” and “the commons” and their implications for protection of traditional knowledge is explored. Options to intellectual property rights and attempts to redress the misappropriation of indigenous cultural resources are discussed, such as Open Access, Creative Commons, and Customary Laws and practices.

Then, a series of four lectures enables students to focus on specific cases relevant and important at the national level (Maori), the Pacific regional level, the global indigenous level and then finally the international context of UN Treaty bodies or agencies actively involved in developing new standards for indigenous cultural heritage and cultural and intellectual property.

General Course-related Learning Objectives

This programme will provide students the opportunity to:

Develop oral, written and IT-related communication skills through:

- Active participation in class discussion
- The development and presentation of oral and written reports, using narrative, rhetoric and diagrammatic and other schema as forms of presentation
- Formal and informal classroom debate

Develop critical and creative thinking skills, through:

- Exercises and assignments requiring analysis, evaluation, interpretation and synthesis
- Debate and classroom discussion

Develop leadership skills, through:

- Structuring independent study: a project activity, a practicum, an internship etc
- Leading a tutorial, project or group exercise
- Fulfilling spokesperson duties, reporting on a group’s activities or ideas to a class.

Specific Course-related Student/Learning Objectives

By the end of this Course students will be able to:

- Be familiar with the core elements of the current intellectual property regime
- Critique models of Maori/Pacific and indigenous cultural protection at different levels of analysis – local, national, regional and international levels
- Conceptualise and explain the distinction between utilization, appropriation and misappropriation of Maori/Pacific indigenous cultural resources
- Identify and define the social, cultural and economic issues inherent in commercializing Maori/Pacific indigenous cultural resources
- Examine and critique various strategic alternatives for creating Maori/Pacific indigenous cultural identity and intellectual endeavours.

Expected Workload.

Students can expect the workload to be approximately 10 hrs per week. This includes scheduled contact time as well as reading, research, assignments and preparation for seminar presentations. Weekly readings for each lecture require at least 2 ½ hours focussed uninterrupted time.

Readings

There is one assigned text book for this course which is provided to students during the first lecture.

Pacific Genes & Life Patents: Pacific Indigenous Experiences and Analysis of the Commodification & Ownership of Life/Aroha Mead & Steven Ratuva, Call of the Earth Llamado de la Tierra and United Nations University Institute of Advanced Studies, Wellington, (2007).

As well, a reading list identifying a minimum of *four* selected readings and/or case materials for each Lecture will be provided during the first lecture. Most of the weekly readings are chapters from some of the publications listed below. Other readings are accessible on-line and the relevant website references are included. In those cases, where readings can only be provided by hard-copy, these will be distributed in class.

Students are expected to read the assigned readings before the lectures (refer to Course Schedule) and be prepared for class discussion on their contents.

The following are core publications of MBUS401 and are available on 3-day loan through the Commerce Library. Please respect the limited loan period as your fellow Course participants will also need to access these publications for the same Course requirements as you.

Australian Indigenous Knowledge & Libraries/Ed. Martin Nataka and Marcia Langton (2007).

Art & Cultural Heritage: Law, Policy and Practice/Barbara T Hoffman.

Art, Cultural Heritage & the Law – Cases and Materials/Patty Gerstenblith (2004).

Beyond Intellectual Property: Toward Traditional Resource Rights for Indigenous Peoples and Local Communities/Darrell Posey & Graham Dutfield.

Decolonising Methodologies: Research & Indigenous Peoples/Linda Tuhiwai Smith (1999).

Intellectual Property in New Zealand/Susy Frankel & Geoff McLay (2002).

Manu Tututuru: Maori Treasures & Intellectual Property Rights/Barry Barclay (2005).

Pacific Genes & Life Patents: Pacific Indigenous Experiences and Analysis of the Commodification & Ownership of Life/ Ed. Aroha Te Pareake Mead and Steven Ratuva (2007).

Tikanga Maori: Living By Maori Values/Hirini Moko Mead (2003).

Who Owns Native Culture? Michael F. Brown, Harvard University Press (2003) on order but the first 33 pages are available as a PDF at: <http://www.williams.edu/go/native/thebook.htm>

As well, a number of selected publications are available to assist you in your research and assignments. Please check MBUS401 'Course reserve' resources in the Commerce Library website regularly, as there are several publications that are currently on order. <http://www.vuw.ac.nz/library/commerce/index.aspx>

Materials and Equipment

There are no extra materials or equipment for this course.

Mandatory Course Requirements

MBUS 401 is 70% internally assessed and 30% externally assessed through a final exam. Assessment aims to test a variety of skills and enable students to exhibit their diverse strengths.

To meet the mandatory requirements for MBUS 401, students are required to:

- Collectively organise a 90-minute seminar and provide a 700-word Issues/Background paper to be provided to Seminar speakers and participants by the agreed due date;
- Complete a 3500-4000 word Research Report and prepare and present a 20-minute presentation outlining the key issues and findings of the Report by the due date;
- Demonstrate active participation in class sessions;
- Sit and submit the final exam.

MBUS 401 Course Requirements		
Assignments	Assessment	Time Frame
In-class Participation	5%	Over twelve weeks
Group Assignment: Organize a 90-minute seminar, provide 700-word background issues paper	30 %	Date and time to be negotiated
Case Study Report 3500-4000 word Report plus 20 minute presentation	35%	Report to be completed by 14 September presentations to be scheduled during weeks 8 and 9
Final Exam	30%	Date and time to be announced

Notice of failure to meet Mandatory Requirements will be emailed to students or posted on the Mezzanine floor notice-board. Students will be expected to check both places for notification.

Your assessed work may also be used for quality assurance purposes, such as to assess the level of achievement of learning objectives as required for accreditation and audit purposes. The findings may be used to inform changes aimed at improving the quality of FCA programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.

Examinations

Students who enrol in courses with examinations are obliged to attend an examination at the University at any time during the formal examination period.

The final examination for this course will be scheduled at some time during the period **Friday 22nd October – Saturday 13th November 2010 (inclusive).**

Penalties

Assignments: Any assignments that are handed in late will receive a penalty loss of 5% for every day after the due date.

Requirement for Written work

Marking

Staff aim to mark assignments promptly and return them to you in plenty of time for you to utilise the feedback in preparing your next assignment. Markers look for professionally presented work displaying a thorough understanding of the topic, a strong argument supported by sound evidence (appropriately referenced) and an ability to evaluate material.

A mark of 50 is a pass and indicates an adequate performance. Most students will meet an 'acceptable' standard of work throughout the year and a number will maintain an excellent standard. There are no "quotas" on any of these categories, so make use of the information available to you, and aim for the top.

The following broad indicative characterisations of grade will apply in grading:

A+	excellent performance in all respects
A	excellent performance in almost all respects
A-	excellent performance in many respects
B+	very good, some aspects excellent
B, B-	good but not excellent performance
C+, C	work satisfactory overall but inadequate in some respects
D	poor performance overall, some aspects adequate
E	well below the required standard
K:	Failure to achieve mandatory course requirements and have achieved at least an average "C" over all the assessment. Note this is a failing grade.

Presentation

All assignments should be typed and double-spaced with an adequate margin on the left-hand side of the page for markers' comments. Write on only one side of the page.

Handing in of Assignments

Assignments should be submitted, in hard copy form in the boxes located on the Mezzanine floor. Assignments received after that time will be deemed to be late, and must be handed to Reception, Level 10, Rutherford House.

All Hand-Ins should have: an Assignment Cover Sheet stating your name, the course name, lecturers name, assignment name and number, a word count and due date. You should also put page numbers on each page, and use in-text referencing and include a list of references at the end. Preferred referencing style is APA system. You can access the information from the online VUW library site (<http://www.vuw.ac.nz/library/resources/virtualref.shtml#style>).

Students will prepare two copies of each hand-in and keep the second copy for their own reference. Students must also keep an electronic copy of their work.

Communication of Additional Information

Additional information or any changes to this course will be conveyed to students either during lecture times, via email, or on the Maori Business notice board located on the Mezzanine Floor, Rutherford House.

Use of Turnitin

Student work provided for assessment in this course may be checked for academic integrity by the electronic search engine <http://www.turnitin.com>. Turnitin is an on-line plagiarism prevention tool which compares submitted work with a very large database of existing material. At the discretion of the Head of School, handwritten work may be copy-typed by the School and subject to checking by Turnitin. Turnitin will retain a copy of submitted materials on behalf of the University for detection of future plagiarism, but access to the full text of submissions will not be made available to any other party.

Class Representative

A class representative will be elected in the first class, and that person's name and contact details will be available to VUWSA, the Course Coordinator and the class. The class representative provides a communication channel to liaise with the Course Coordinator on behalf of students.

Te Herenga Waka Marae: The University Marae

The marae provides a tūrangawaewae (a standing place where Māori custom prevails) for the students and staff of Victoria University to promote, disseminate and maintain the use of te reo and tikanga Māori. A primary role of the Marae is to be a support facility that enhances the teaching, learning and cultural needs of Māori at the University. The marae is situated at: 46 Kelburn Parade, Kelburn Campus. During University trimesters terms, the Marae provides a wholesome lunch at the nominal fee of \$4 for students and \$5 for staff and visitors. This service is provided Monday to Thursday between 12:00pm and 12:30pm. For further information refer to: <http://www.vuw.ac.nz/marae/>

For the following important information follow the links provided:

Academic Integrity and Plagiarism

<http://www.victoria.ac.nz/home/study/plagiarism.aspx>

General University Policies and Statutes

<http://www.victoria.ac.nz/home/about/policy>

AVC (Academic) Website: information including: Conduct, Academic Grievances, Students with Impairments, Student Support

http://www.victoria.ac.nz/home/about_victoria/avcacademic/Publications.aspx

Faculty of Commerce and Administration Offices

<http://www.victoria.ac.nz/fca/studenthelp/>

Manaaki Pihipihinga Programme

http://www.victoria.ac.nz/st_services/mentoring/

ANNEX A

VICTORIA UNIVERSITY OF WELLINGTON
Te Whare Wānanga o te Ūpoko o te Ika a Māui



Victoria Management School

MBUS 401 Individual Assignment Cover Sheet

Name: _____ Student ID: _____

Date Due: _____ Date Submitted: _____

*I have read and understood the university policy on Academic Integrity and Plagiarism.
I declare this assignment is free from plagiarism.*

Signed: _____

Extension of the due date (if applicable)

Please attach a copy of the note authorising your extension.

Date extension applied for: _____

Extension granted until: _____

Extension granted by: _____