

The Use and Protection of Māori Traditional Knowledge in Existing IP Rights

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Abstract

This paper examines how trademark governance shapes the use and protection of Indigenous traditional knowledge. We study New Zealand’s 2003 trademark reform, which established a Māori Advisory Committee to review culturally sensitive marks. We develop a model showing that cultural guardianship embedded in formal IP administration performs a dual role: it deters misaligned registrations through screening while enhancing the legitimacy of approved marks through certification. The model predicts a decline in new culturally linked registrations but greater survival of existing ones. Using TM-Link data from 1993–2013, we identify Māori-related trademarks through Māori dictionaries and estimate a difference-in-differences model comparing Māori-related registrations and expirations in New Zealand with Māori-related marks abroad. Consistent with the model, we find that stringent collective governance reduced Māori-related registrations by roughly 25 percent while lowering expirations by a similar magnitude. The findings highlight the role of institutional design in aligning private trademark incentives with cultural guardianship, contributing to theories of property rights and governance of traditional knowledge.

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