

The Virtual Dilemmas of Indigenous Identities in the Metaverse

Legal Protection of Ethnic Avatars & Cultural Markers

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Context & Stakes

- Metaverse platforms increasingly feature Indigenous cultures
- Virtual worlds transcend territorial IP protections
- Cultural heritage at risk of unconsented use & monetisation



Cultural markers

- Intangible elements: rituals, spiritual ceremonies, language, knowledge.
- Tangible elements: objects of worship, clothing, accessories.
- Who holds the rights to cultural markers?





Indigenous Presence Without Borders

- Digital cultural markers circulate globally
- National laws struggle to safeguard collective rights (informed consent).
- Need for trans-border recognition of community interests for digital worlds.



Jurisdictional Challenge Indigenous presence without borders

- Whose law governs when servers span continents?
- Platform's Terms and conditions.
- Do platforms involve Indigenous/ community consent?

Avatars ≡ “Characters” on IP Law

Ethnic avatars exhibit fixed, recognisable traits like fictional characters

Mexico, EU & US jurisprudence support copyright-style protection

Distinction between individual, non-commercial use and use for commercial purposes.



Character Doctrine Snapshot



Criterion	Typical Fictional Character	Ethnic Avatar
Distinct appearance	✓	✓
Backstory / lore	✓	Collective heritage
Recognisable persona	✓	✓
Psychological characteristics (Mexico)	✓	✓

Legitimate use of ethnic avatars

- Right holders allowing use of ethnical avatars.
- Involves tangible and intangible elements on characters for educational purposes.
- It aims to revitalise and promote the Anishinaabemowin language (Canada and partly in the USA)



DOWNLOAD THE BISKAABIIYAANG DEMO TODAY



WHAT IS THE INDIGENOUS METAVERSE?

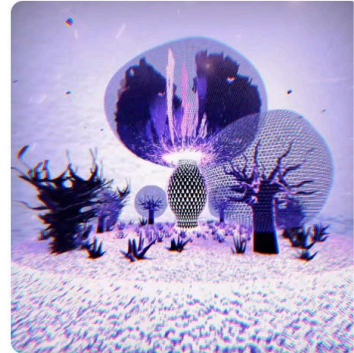
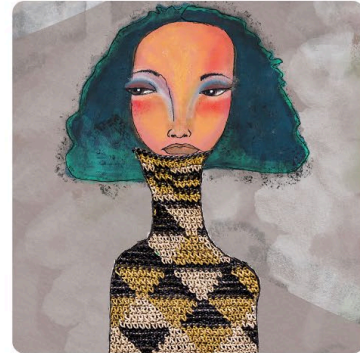
It is a world where Anishinaabe culture thrives, where you can go on adventures or sit by the fire and listen to the teachings. A world where even the trees, plants,

WHAT DOES BISKAABIIYAANG MEAN?

Biskaabiiyaang (sometimes spelled biskaabiiyang) describes the experience of having been on a long journey, then reaching the point of returning home. It is an Anishinaabe word for **culture**

Weenhakey Bolivia

- Selling digital cultural markers through NFTs to promote their identity and heritage.
- Community consent for it
- Anyone in the metaverse can purchase and use them.



Partners



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• NFT ART GALLERY •

Three Legal Considerations



Legitimacy of user – Who claims the right to depict?



How was the DCM obtained?



What is the intended use – Commercial, educational, artistic

Informed Consent Is Essential

- Prior, free & informed consent is non-negotiable
- Historical misappropriation amplifies the obligation
- Consent clauses should anchor platform Terms & Conditions



Key Take-Aways

- Ethnic avatars should be protected as "characters" under CR, as a collective work.
- Exceptions to use them must take into account the cultural logic of the community and the intended use.
- Platforms should ensure informed consent (of indigenous communities).

 Meta  



 Pico  unity



 Microsoft



A woman with long dark hair, wearing a red and white patterned sweater and a large circular earring, is the central figure. The background is a composite image featuring a mountain range, a village, and a body of water. Overlaid on this background are various digital elements: a large hexagonal wireframe structure containing a white object, several smaller hexagonal and circular icons with different symbols, and vertical lines of light. The overall color palette is warm, with browns, oranges, and reds, accented by the cool blues of the digital overlays.

Questions?

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