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## INTELLECTUAL PROPERTY RIGHTS: PROTECTION OF TRADITIONAL KNOWLEDGE

Malathi Lakshmikumaran\* TERI, India Habitat Centre, Lodhi Road, New Delhi

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### Traditional Knowledge

**T**raditional knowledge and / or indigenous knowledge (TK) have no

universally acceptable definition. It encompasses different kinds and functions. This knowledge is generally passed down through the generations but is continually refined and subject to the improvement based on new scientific methods. WIPO currently uses the term TK to refer to traditional based literary, artistic or scientific discoveries, designs, marks, and names and symbols, undisclosed information and all other tradition-based innovations and creations resulting from intellectual activities in the industrial, scientific, literary or artistic fields. TK is expressed in various documented and non- documented forms. The groups that hold TK is diverse, which includes individuals, groups and communities.

India has a rich and varied heritage of biodiversity. Biodiversity, which is defined as the variety and variability among living organisms and the ecological complexes in which they occur, is measured at three levels - the gene, the species, and the ecosystem. India is rich at all levels of biodiversity and is one of the 12 mega diversity countries in the world. The country is also

bestowed with immense agro- biodiversity and a rich diversity in landraces / traditional cultivars / farmers varieties. A number of crop plants (384) are reported to be cultivated in India. A total of 49 indigenous major and minor crops have been reported in the History of agriculture in India.

This vast wild and domesticated biological diversity finds its reflection in the cultural diversity of the people whose very existence is tied to the continued maintenance and sustainable use of biological resources. India has rich ethos of biodiversity conservation and traditional knowledge systems and it is these practices that have given rise to informal and localized in-situ conservation. Traditional farming practices have contributed significantly to the countrys treasure trove of agro-diversity.

This traditional and indigenous knowledge that is interlinked with the countrys rich natural resource base has the potential to provide enormous benefits to humanity in the fields of medicine, health care and biotechnology. Protecting and promoting genetic resources and such knowledge is thus essential for the country. Issues pertaining to intellectual property, misappropriation of such knowledge systems and lack of recognition for the rich genetic

resources of the country and the communities engendering traditional knowledge, however, have led to concerns surrounding the ways and means of protecting and promoting TK in an equitable manner.

### **Protection of traditional knowledge**

The urgency for protection of human, ethical and economic rights of the holders of traditional knowledge is gaining acceptance globally. There are clearly different ways to look at the concept of protection of TK. The protection of TK for some is equated with IPRs where protection essentially means to exclude the unauthorized use by third parties. Others regard protection as a means to conserve traditional knowledge and sustainable use of biodiversity. There are several cases to show the role that this traditional knowledge has played in the development of important drugs, and of the benefits accruing to industry from the leads provided by TK. Use of such traditional knowledge, however, has frequently failed to bring any benefits to the creators, innovators and holders of this knowledge. Indias concerns stem from the need to both protect and promote the use of traditional knowledge in a way that benefits its creators and holders. The now well known cases