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# TRADITIONAL KNOWLEDGE :: PATH TO IT'S DEVELOPMENT & PROTECTION

**Dr. Puneet Bafna**
Associate Professor, Amity University, Rajasthan

## ABSTRACT

*Traditional knowledge is a collective on property and is an integral to the cultural or spiritual identity of the social group in which it operates and is reserved. Traditional knowledge is lamb at the centre of the discussions on intellectual property rights and has resumed immense significance. Any specific legislation for protecting traditional knowledge, patent Act, protection and farmers right biological diversity act, 2002 and geographical indications of goods ( registry act) 1999 have provisions that can be utilised for protecting traditional knowledge. The concept of benefit sharing, which has enough traditional knowledge, the concept of benefit sharing which is enough which is an integral part of protecting traditional knowledge, with specific reference to the biological diversity act and also the plant variety protection and farmers right act. India song Battle against the grant of a patent on the use of me as a funky side has finally been one and the European patent office directors is (EP ) or means fungicidal properties are part of the traditional knowledge(TK) of this country. Come on the bed rolling fungi on plants by the age of a hydrophobic extracted Neem Oil had originally been granted on 18th September 1994 to the United States Department of Agriculture and the New York based multinational patent. Unfortunately, this is only instance of such biopiracy of traditional Indian knowledge. In temporal cases of biopiracy have come to the force in the past . For instance, all properties of*

*healthy, or an end properties of Karela, Jamun angel or some such example of Britain power parity of Indian traditional knowledge that have generated considerable problems.*

**Key Words:** Traditional Knowledge, Sui generis, Digital library, Bio piracy

## INTRODUCTION

Traditional knowledge of Khadi that gives an insight into the concept of benefit sharing is an important identification of patented to derivation of name on the ground that they were part of the traditional knowledge of a country and that fungi side qualities of the neem tree and its use has been known in India for 2000 years. Turmeric that was established by the CSIR based on the 18th September study. Unbranded to pochampalli sari and undeveloped Kannadi has to help an in-depth understanding of the sea delegation in the protection of traditional knowledge. International initiatives at protecting traditional knowledge including the convention on biological diversity, undertaking on plant genetic resources for Food and Agriculture and the agreement on trade related aspects of intellectual property rights. Reforms regarding the protection of different types of traditional knowledge on the local community, the reason for this developer classes is that the international community never had an occasion to look at the protection of traditional knowledge in its totality. Traditional knowledge to be protected should be taken at the auspices of the world trade organization, which should leave the general mandatory provisions to become prime member countries.

To assess the WTF compatibility of a patent granted by a foreign patent office to an invention based on biological material from India, to check whether the criteria of patentability {novelty, obviousness and usefulness) are satisfied, and to challenge it where the criteria are not met. We examine those cases that need to be examined. A patent granted in the United States on the wound healing properties of turmeric, was revoked after such an examination. Similarly a patent granted on the neem as the fungicide was revoked in the European patent office in May 2000. The exercise could be extended to other search patents also. But that time, money involved in getting individual patent examined and removed, in foreign patent office is prohibited. Hence, an internationally accepted solution to search bio piracy is necessary.

The problem of bio piracy may not be resolved with such revocation actions and domestic biodiversity is safeguarded by biodiversity legislation alone. There is also a need to Institute mechanism for sharing of benefits arising out of the commercial exploitation of biological resources using such additional knowledge. If this is done it would enable domestic institutional mechanism to ensure sharing of benefits of such commercial usage by the patent holder with the indigenous communities whose traditional knowledge has been used. **Simultaneously, provision has been introduced for disclosure of the source of biological material in the amendment proposed to the patents Act 1970 through the patent second amendment bill 1999.** What is required in addition to prevent bio piracy, is the acceptance of this practice of disclosure and protection by all patent offices in the world.

**Various suggestions have been advanced to extend protection to knowledge, innovations and practices. This includes:**

**(i) Documentation of traditional knowledge**

**(ii) Registration and innovation patent system and**

**(iii) Development of sui generis system.**

**Documentation of traditional knowledge**

It is sometimes believed that proper documentation of associated traditional knowledge could help in checking bio piracy. It is also hoped that such documentation would facilitate tracing of indigenous communities with whom benefits of commercialized which material knowledge has to be shared.

On the other hand it is believed that documentation will combat bio piracy. It is argued that trade secret of an indigenous community would be maintained only until it is closely held by the community as soon as it is put on paper and it will become accessible to pirates and would be a subject of discussions in National and international debates on benefit sharing. It is the need of empowerment of the indigenous communities themselves so that they are able to get legal protection for closely held knowledge without the involvement of outside agencies. Nevertheless, limitation has one clear benefit that it would check pattern based on traditional

knowledge in the public domain that are today difficult to be prevented due to lack of ability of information with patent examiner. In India preparation of village wise community diversity registered for documenting all knowledge and practices has been undertaken in a few States. Diet plan for Kerala has also actively promoted documentation of local knowledge regarding biodiversity in people's biodiversity register. One pilot project on this has been completed in Ernakulum District. Two other projects at a single Panchayat level have been initiated by the tropical botanical garden and Research Institute of Kerala. The interesting development in kerala is the development of benefit sharing arrangement between the tropical Botanical Garden Research Institute and the Kani tribe, on whose knowledge address has been developed and marketed.

The state of Karnataka presents a unique example of NGO initiative in the formulation of people's biodiversity register. This order saved biodiversity board at the state and substrate level, wide range of stakeholders being members of the board and placed TDR as part of abilities of the birds. Organised and widespread atoms of NGOs has been towards initiating and completing biodiversity register.

**Some of the other experiences include**

The effort of the centre for ecological Sciences, Indian Institute of Science, Bangalore spearheaded by Dr Madhav Gadgil where the pioneering efforts in this field. By mid 1998, 25 plant biodiversity register had been established in 10 states with the help of Indian Institute of Sciences and others.

A Campaign has been undertaken to work on documentation of biodiversity and knowledge among three tribal populations. In South Bihar chota Nagpur region, natives of Madhya Pradesh, farmers of the tarai region. Medicinal plants and knowledge related thought has to be documented with the help of educated tribal youth. Elders in the village, practitioners and traditional healers work and consult in the collection and understanding of the information.

Since the Research Foundation of science & technology and Ecology initiated the movement called the gram panchayat democracy started in early 1999. According to panchayat movement, aims to establish local communities on the biodiversity resources. Activist have been interacting with local villages in different parts of India to constitute informal community level Institutions

called as Panchayat . It comprises of volunteers from a village team members of the panchayat who are interested with the task of inquiring in recording information on biological resources. Priority for Research and initiative for sustainable technology and Institutions based in Ahmadabad has been involved in documenting innovation developed by individual at the village level. The Honey Bee network, initiative called documents not elements of biodiversity per se but they uses and in particular innovation surrounding these elements. This network has been growing since the late 1980. Truth is documentation and subsequent accural of benefits to provide a platform through which biodiversity and local knowledge bases can be conserved.

The efforts of kalpavruksha and the beej bachao andolan, save the seed campaign Tehri Garwal. Uttar Pradesh in collaboration with the villages in Jeddah of Teri Gadwal district in Uttar Pradesh initiated an exercise in 1995 to document the various bio resources used by the community and conservation practices. The members of the beej bachao andolan save the seed campaign and network of local farmers who have been involved for a number of years now in reviving in spreading indigenous crop diversity actively collaborated with the culprit members. By mutual agreement between the villages it was decided that a copy of the register would be kept in the village and another copy would be kept by kalpvruksh and got all the information in the register can be used and distributed only with the concerned and knowledge of the villages.

Drawing on the experience of in Karnataka, university registered program evolved further at subsequent workshops organised by the centre for ecological Sciences, encompass all elements of biodiversity and also knowledge and perception of individual, cine and multi ethnic groups. PVR activities along these lines were initiated at ten sites infour States along the Western that region as part of the Western Ghats biodiversity network. This effort was followed in conjunction with larger project the biodiversity conservation project prioritization program.

**Traditional knowledge digital library**

Bio piracy of traditional knowledge from India has witnessed several cases. For preventing search instances in future there is a need for developing digital database of prior art related to Herbs already in the public domain. Following patents on brinjal etc. in India and exercise has been initiated to prepare easily navigable computerized database of documented traditional knowledge related to use of medicinal and other plants which are already under public domain is known as traditional knowledge digital library. Search digital database would enable patent

office's all over the world to search and examine any prevalent use prior art and thereby prevent brand of search patents and bio piracy. Documentation traditional knowledge is one means of giving recognition to knowledge holders.

This necessitates the need for extending some kind of protection to traditional knowledge. Documentation of Traditional knowledge may only serve a defensive purpose, mainly that of preventing the patenting of this knowledge in the form in which it exist. **Documentation per se, however, will not facilitate benefit sharing with the holders of traditional knowledge.**

**Registration and innovation patent system**

This involves creating a system for registration of innovation by inventors. For novel and useful innovation, some kind of petty patent giving protection for a limited duration maybe worked out. Regarding registration limited efforts have been made in India. For example, the Honey Bee database, established 10 years ago in India is a facility for registration of innovation by innovators. The database can be accessed for adding value to these Innovation and sharing benefits with the knowledge providers and innovators. Thus, honey Bee network involves documentation, experimentation and dissemination of indigenous knowledge. The network is probably the world's largest database on grass root innovation having now about 10000 innovations with names and address of the innovators (individual and communities). Through the honeybee newsletter, grass root innovators have been disseminated to more than 75 countries. For example this database has entries on traditional use of fish and fish product improving crop productivity etc.

**Development of a sui generis System**

**Some experts have suggested that a sui generis system separate from the existing IPR system should be designed to protect knowledge, innovation and practices associated with biological resources**. However, parameters, and modalities of a sui generis system are still being worked out. The sui generis system of protection of plant varieties is separately developed in India and a bill in this regard is before the Parliament.

## CONCLUSION

Many of the innovators, however, do not have the capacity for value addition., there is a need for providing institutional support in scouting, spanning, sustaining and scaling up of grass root Innovation and to enhance technical competence and self Reliance of these innovators, through establishment of green venture promotion funds and incubators. It was also proposed as part of the 1999- 2000 national budget of India that the national innovation foundation would be setup. BITS Foundation, initial Corpus of rupees 20 is intended to build a national register of innovation, intellectual property protection, incubators for converting innovations into viable business opportunities and help in dissemination across the country. Foundation is in the process of being set up. Prediction for geographical indications for Agricultural Products has been strengthened at the national level and under trips. Civil society organizations should continue campaign to educate consumers about the patents and to generate awareness about larger issue of life patenting and bio piracy. Strategizing and drafting of relevant documents are important, more important is the ability to build relationships and faster understanding between indigenous negotiated and major negotiating groups of state on indigenous peoples position. It is also hoped that such documentation are/is readily available to them.

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