



Biodiversity/Traditional Knowledge: Practical & Regional Experiences

India

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Overview



- Introduction and Importance of Protecting TK
- Protecting TK – the Indian Scenario
- Importance of Biodiversity
- Regulating Access and Exploitation of Biodiversity – Indian Scenario



TK - Introduction and Importance

- No specific internationally accepted definition;
- Relates to knowledge, or product of human intellect that is passed on from one generation to another
- Closely relates to biodiversity
- Generally - traditional / cultural heritage specific to a community
 - ✿ used for (free) benefit of mankind / community

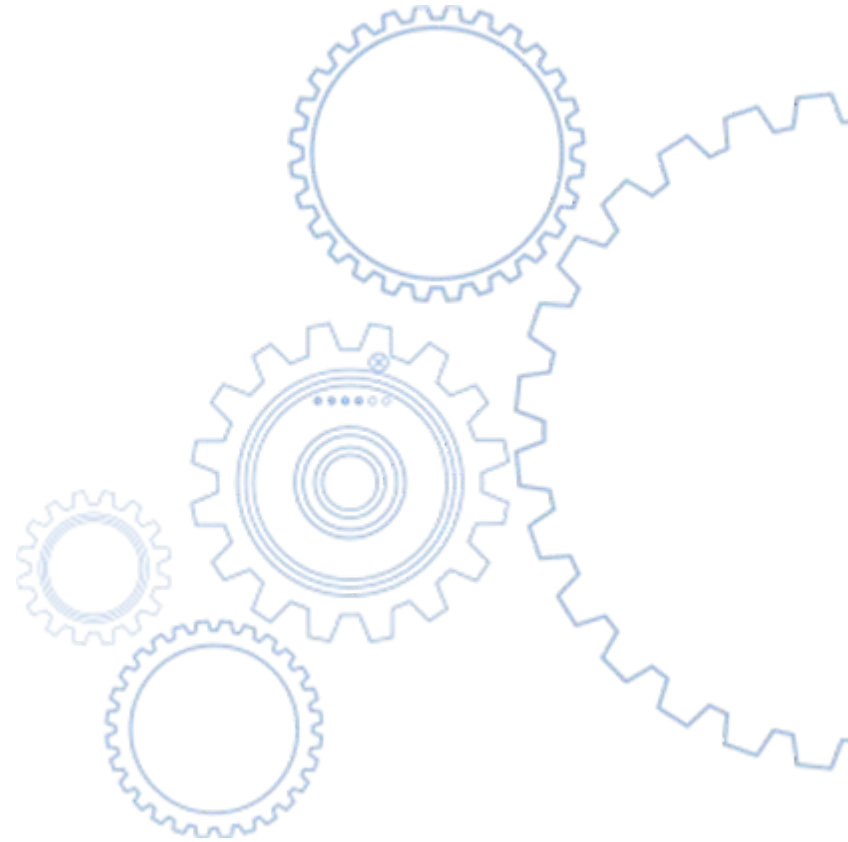


- Rampant misuse by ‘outsiders’ for commercial exploitation, especially by claiming IPR exclusivity
 - ✿ Benefits of commercial monopoly do not trickle to original authors/community
- Urbanization & culture leading to erosion and eventual death of traditional practices



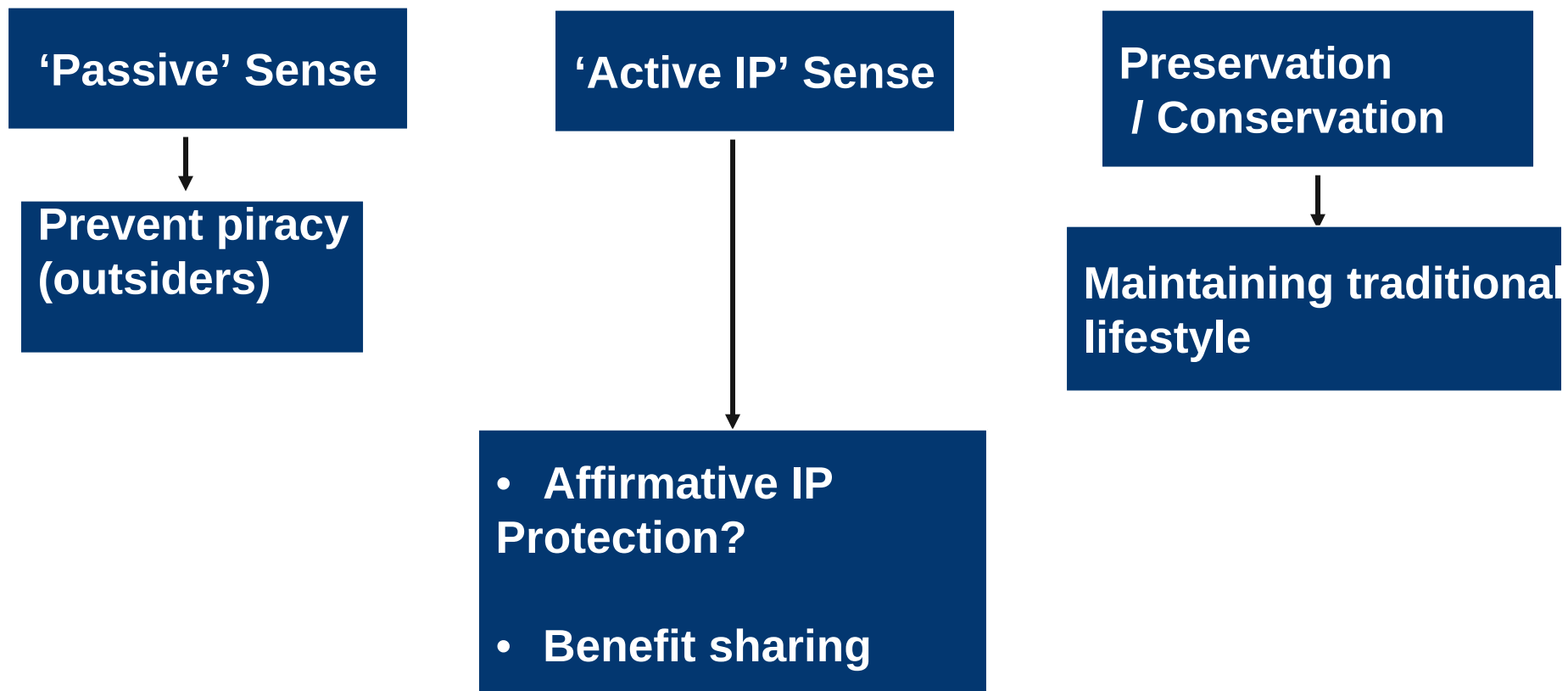


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Indian Scenario –TK

Protection of TK





Protection through Patent Law

- Section 3(p) of the Patents Act, 1970 (not-patentable inventions)
 - ✧ an invention which, in effect, is traditional knowledge or which is an aggregation or duplication of known property of traditionally known component or components
 - ✧ Distinct from novelty / non-obviousness grounds – traditional legal tests of ‘anticipation’ and ‘non-obviousness’ are not applicable



Through Patent Law

voke patents –

on is ‘anticipated’ having regard to the
e, oral or otherwise, available within any
digenous community in India *or elsewhere*

or written publication or proof of actual

elsewhere”

voke patents –

disclosure or failure to disclose source of
material

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https://www.yunbaogao.cn/report/index/report?reportId=5_7529

