



Indian Knowledge Systems Division
Ministry of Education

CSIR- Traditional Knowledge Digital Library Unit
Ministry of Science & Technology

Introduction to Traditional Knowledge Intellectual Property & People's Rights

Overview lecture: 31st July 2023, 5:30 - 7:00 PM

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2 Workshops (Total 5 hours-1hr/day)

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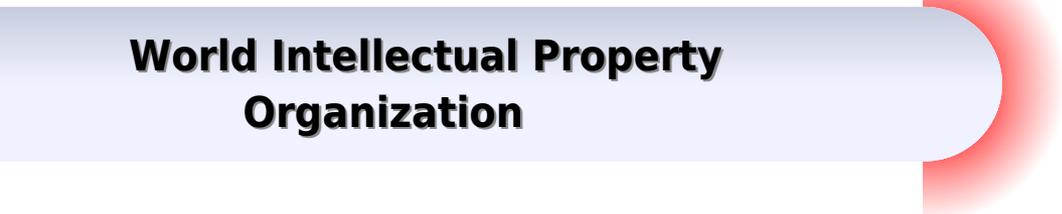


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Traditional Knowledge And Intellectual Property

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Traditional Knowledge And Intellectual Property:

Indigenous Heritage and Intellectual Property Silke von Lewinski, 2008-03-28 For indigenous cultures property is an alien concept Yet the market driven industries of the developed world do not hesitate to exploit indigenous raw materials from melodies to plants using intellectual property law to justify their behaviour Existing intellectual property law for the most part allows industries to use indigenous knowledge and resources without asking for consent and without sharing the benefits of such exploitation with the indigenous people themselves It should surprise nobody that indigenous people object Recognizing that the commercial exploitation of indigenous knowledge and resources takes place in the midst of a genuine and significant clash of cultures the eight contributors to this important book explore ways in which intellectual property law can expand to accommodate the interests of indigenous people to their traditional knowledge genetic resources indigenous names and designations and folklore In so doing they touch upon such fundamental issues and concepts as the following collective rights to the living heritage relevant human rights norms benefit sharing in biological resources farmers rights the practical needs of documentation assistance and advice the role of customary law bioprospecting and biopiracy and public domain As a starting point toward mutual understanding and a common basis for communication between Western style industries and indigenous communities *Indigenous Heritage and Intellectual Property* is of immeasurable value It offers not only an in depth evaluation of the current legal situation under national regional and international law including analyses of the Convention on Biological Diversity and other international instruments as well as initiatives of the World Intellectual Property Organization WIPO the UN Food and Agriculture Organization FAO and other international bodies but also probes numerous further possibilities While no one concerned with indigenous culture or environmental issues can afford to ignore it this book is also of special significance to practitioners and policymakers in intellectual property law in relation to indigenous heritage This book here in its second edition presents the most recent state of knowledge in the field

Traditional Knowledge and Intellectual Property World Intellectual Property Organization, 2016-04-01 This Brief provides general and basic information on the interface between intellectual property and traditional knowledge traditional cultural expressions and genetic resources *Protecting Traditional Knowledge* Daniel F. Robinson, Ahmed Abdel-Latif, Pedro Roffe, 2017-07-14 This is the first comprehensive review of the Intergovernmental Committee IGC of the World Intellectual Property Organization WIPO established in 2000 It provides an in depth consideration of the key thematic areas within WIPO discussions genetic resources GRs traditional knowledge TK and traditional cultural expressions TCEs through the perspectives of a broad range of experts and stakeholders including indigenous peoples and local communities It also looks at how these areas have been treated in a number of forums and settings including national systems and experiences and also in trade agreements and the interface with WIPO discussions Furthermore the book analyses the process and the negotiation dynamics since the IGC received a mandate from WIPO members in 2009 to undertake formal

text based negotiations towards legal instruments for the protection of GR TK and TCEs While there has been some progress in these negotiations important disagreements persist If these are to be resolved the adoption of these legal instruments would be a significant development towards resolving key gaps in the modern intellectual property system In this regard the book considers the future of the IGC and suggests options which could contribute towards achieving a consensual outcome

Intellectual Property, Traditional Knowledge and Cultural Property Protection Sharon Le Gall, 2014-01-10 International developments since the mid 1990s have signalled an awareness of the importance and validity of traditional knowledge and cultural property The adoption of the Convention on Biological Diversity and the establishment of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources Traditional Knowledge and Folklore demonstrate an emerging trend towards the recognition of the rights of communities and the importance of culture in shaping international law and policy This book examines how developments to protect collectively held knowledge transpose to circumstances which may not meet the usually understood criteria of what is considered to be an indigenous or traditional group This includes communally derived cultural products which have emerged out of communities and subsequently formed a part of the national or popular culture The book considers the steel pan of Trinidad and Tobago punta rock music from Belize Brazilian capoeira and the caj n of Peru as key cases studies of this By exploring the impact of past and recent international developments to protect traditional knowledge Sharon Le Gall highlights a category of cultural signifiers which lies outside the scope of intellectual property protection as well as the protection proposed for traditional knowledge and advocated for intangible cultural property The book proposes a reinterpretation of Joseph Raz s interest theory of group rights in order to accommodate the rights advocated for collectively derived cultural signifiers on the basis of their value as symbols of identity In doing so Le Gall offers an original account of how those signifiers which may not be described as exclusively traditional or indigenous and held in ways which are not traditional or customary may be accommodated in emerging traditional knowledge laws

Traditional Knowledge, Traditional Cultural Expressions, and Intellectual Property Law in the Asia-Pacific Region Christoph Antons, 2009-01-01 Among the many contentious matters thrown up by the relentless march of economic globalization those forms of knowledge variously known as indigenous or traditional remain seriously threatened despite numerous transnational initiatives and highly publicized debate It is not proving easy to bring these holistic worldviews into accord with the technical terms and classifications of intellectual property law The contributions in this volume contrast efforts to find solutions and workable models at the international and regional level with experiences on the ground Legal policies related to indigenous knowledge in settler societies such as Australia and New Zealand are compared with those in densely populated neighbouring countries in Asia where traditional knowledge is often regarded as national heritage While many of the chapters are written by lawyers using an interdisciplinary approach other chapters introduce the reader to perspectives from disciplines such as legal sociology and anthropology on controversial

issues such as the understandings of art culture tradition customary law and the opportunities for traditional cultural knowledge and traditional cultural expressions in an Internet environment Experienced observers of the international debate and regional experts discuss international model laws as well as legislation at regional and national level and the role of customary law Topics covered include the following and much more the concept of farmers rights biodiscovery and bioprospecting traditional knowledge as a commodity encounters between different legalities geographical indications registration requirements sanctions remedies and dispute resolution mechanisms the ongoing fragmentation and loss of traditional knowledge and systems of data collection

Protecting Traditional Knowledge Pushpa Kumar

Lakshmanan,2017 Traditional knowledge TK is the intellectual creativity of indigenous peoples and local communities developed over generations through close observations of nature and experimentation In essence it is the knowledge know how skills and practices that have been developed sustained and passed on from generation to generation within a community and the people in the community are so deeply and completely imbedded in that milieu that it is forming their cultural and or spiritual identity It is so completely encompassing the lives of the people that it can be found in a wide variety of contexts including agricultural scientific technical ecological and medicinal knowledge as well as biodiversity related knowledge TK of indigenous civilizations provides enormous benefits for life style management preventive health care systems and state of the art technology for humanity as a whole Unfortunately legal systems have not recognized TK and not given due respect for its direct and indirect contributions to the development of modern science and technology so far This paper unfolds various dimensions in which TK is sought to be protected under the modern legal and economic systems It probes into the possibilities of TK being protected under intellectual property rights or alternative mechanisms yet to be created This paper also analyses the provisions of Convention on Biological Diversity Nagoya Protocol and the exclusive involvement of World Intellectual Property Rights Organization WIPO to protect genetic resources TK and traditional cultural expressions

Developing a National Strategy on Intellectual Property, Traditional Knowledge and Traditional Cultural Expressions World Intellectual Property Organization,2023-11-10 This Brief summarizes the legal policy and operational issues that need to be considered in developing a national strategy for the intellectual property protection of traditional knowledge and traditional cultural expressions

Traditional Knowledge and Intellectual Property (Portuguese version) World Intellectual Property Organization,2016-04-01 This Brief provides general and basic information on the interface between intellectual property and traditional knowledge traditional cultural expressions and genetic resources

The Protection of Traditional Indigenous Knowledge by Intellectual Property Law Julia Honds,2008-04 Research Paper undergraduate from the year 2006 in the subject Law Comparative Legal Systems Comparative Law grade A Victoria University of Wellington Faculty of Law 47 entries in the bibliography language English abstract Indigenous people often know a lot about the healing properties or other useful characteristics of their indigenous plants This knowledge usually has

been passed on within the indigenous community from generation to generation and is therefore regarded as traditional knowledge. This traditional knowledge is of great value for the pharmaceutical industry. Accordingly, it has been explored, used as the basis for subsequently patented inventions and sometimes misappropriated by pharmaceutical companies from the developed world. This essay seeks to provide an overview of the problems and issues that arise where traditional knowledge meets the Western intellectual property regime. The questions that are sought to be answered are: Why should traditional knowledge be protected as intellectual property and how could this be done? Many approaches have been made both on an international and a national level. Several of these solutions will be presented and discussed in this essay. It will be seen that already existing intellectual property rights are not suitable for the protection of traditional knowledge. Compared with this, the implementation of safeguards within patent application proceedings seems to be more appropriate and effective. However, this approach turns out to be not comprehensive enough. Therefore, this essay recommends the protection of traditional knowledge by an intellectual property right *sui generis* specially designed for that purpose. This solution is favourable because it is the most complete one, is able to address all issues in an appropriate way and can strike a balance between the involved conflicting interests.

Customary Law and Traditional Knowledge World Intellectual Property Organization, 2016-04-01. This Brief explores the issues concerning customary law, traditional knowledge and intellectual property.

Traditional Knowledge and Intellectual Property (Chinese version) World Intellectual Property Organization, 2016-04-01. This Brief provides general and basic information on the interface between intellectual property and traditional knowledge, traditional cultural expressions and genetic resources.

Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions World Intellectual Property Organization, 2020-07-08. General information on the interface between intellectual property (IP) and traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources (GRs). It briefly addresses the most important questions that arise when considering the role that IP principles and systems can play in protecting TK and TCEs from misappropriation and in generating and equitably sharing benefits from their commercialization and the role of IP in access to and benefit sharing in GRs.

Intellectual Property, Traditional Knowledge and Traditional Cultural Expressions/Folklore: A Guide for Countries in Transition World Intellectual Property Organization, 2016-11-11. This Guide intends to provide information for policy makers, heads of intellectual property (IP) offices and other decision makers in countries in transition on issues they need to consider before putting a legal framework in place. It aims to raise awareness of existing methods for the legal protection of traditional knowledge and traditional cultural expressions as well as to improve understanding of the interrelations at international, regional and national levels between the IP system on the one hand and traditional knowledge, traditional cultural expressions and their implications for economic, social, cultural and technical development on the other hand.

Intellectual Property and Traditional Knowledge in the Global Economy Teshager W. Dagne, 2014-09-04.

Arising from recent developments at the international level many developing countries indigenous peoples and local communities are considering using geographical indications GIs to protect traditional knowledge and to promote trade and overall economic development Despite the considerable enthusiasm over GIs in diverse quarters there is an appreciable lack of research on how far and in what context GIs can be used as a protection model for traditional knowledge based resources This book critically examines the potential uses of geographical indications as models for protecting traditional knowledge based products and resources in national and international intellectual property legal frameworks By analysing the reception towards GIs from developing countries and advocates of development in the various legal and non legal regimes including the World Trade Organization World Intellectual Property Organization and the Convention on Biological Diversity and the Food and Agricultural Organization the book evaluates the development potential of GIs in relation to ensuing changes in international intellectual property law in accommodating traditional knowledge Teshager W Dagne argues for a degree of balance in the approach to the implementation of global intellectual property rights in a manner that gives developing countries an opportunity to protect traditional knowledge based products The book will be of great interest and use to scholars and students of intellectual property law public international law traditional knowledge and global governance

Traditional Knowledge and Intellectual Property Stephen A. Hansen, Justin W. VanFleet, 2003 This handbook is designed to make intellectual property protection issues and options more understandable to traditional knowledge holders and human rights organizations and legal professionals working with local and indigenous communities

Traditional Knowledge, Genetic Resources, Customary Law and Intellectual Property Paul Kuruk, 2020-03-28 The book examines the national regional and international frameworks of protection of traditional knowledge in all regions of the world It also discusses options to enhance the existing legal regimes including the use of customary laws and protocols the adoption of mutual recognition agreements premised on the principle of reciprocity and the disclosure of source or country of origin of traditional knowledge in intellectual property applications

The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore World Intellectual Property Organization, 2023-09-25 This Brief provides background information on the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources Traditional Knowledge and Folklore IGC

Developing a National Strategy on Intellectual Property, Traditional Knowledge and Traditional Cultural Expressions (Portuguese version) World Intellectual Property Organization, This Brief summarizes the legal policy and operational issues that need to be considered in developing a national strategy for the intellectual property protection of traditional knowledge and traditional cultural expressions

Intellectual Property Rights and the Protection of Traditional Knowledge Dewani, Nisha Dhanraj, Gurtu, Amulya, 2019-12-27 Traditional knowledge is largely oral collective of knowledge beliefs and practices of indigenous people on sustainable use and management of resources The survival of this knowledge is at risk due to various difficulties faced by

the holders of this knowledge the threat to the cultural survival of many communities and the international lack of respect and appreciation of traditional knowledge However the greatest threat is that of appropriation by commercial entities in derogation of the rights of the original holders Though this practice is morally questionable in the absence of specific legal provisions it cannot be regarded as a crime Intellectual Property Rights and the Protection of Traditional Knowledge is a collection of innovative research on methods for protecting indigenous knowledge including studies on intellectual property rights and sovereignty rights It also analyzes the contrasting interests of developing and developed countries in the protection of traditional knowledge as an asset While highlighting topics including biopiracy dispute resolution and patent law this book is ideally designed for legal experts students industry professionals and practitioners seeking current research on the development and enforcement of intellectual property rights in relation to traditional knowledge Traditional Knowledge and Intellectual Property Carlos M.. Correa,2001

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