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## JAPAN AND NEW ZEALAND TO USE INDIA'S TRADITIONAL KNOWLEDGE

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### The Japan Patent Office and the Intellectual Property Office of New Zealand will soon enter into access agreements with India's Traditional Knowledge Digital Library

The Japan Patent Office and the Intellectual Property Office of New Zealand will soon enter into access agreements with India's [Traditional Knowledge Digital Library](#).

The two offices will join six other patent offices, including the EPO and USPTO, in having the ability to examine patent applications in the light of traditional knowledge already known and practised in India.

Johannes Christian Wichard, a WIPO deputy director general, described the [Traditional Knowledge Digital Library](#) as a "pioneering effort to protect India's traditional knowledge from misappropriation".

Wichard was reading a speech on behalf of WIPO director general Francis Gurry on Tuesday at the start of the International Conference on the Utilisation of the [Traditional Knowledge Digital Library](#) as a Model for Protection of Traditional Knowledge.

The [TKDL](#) is a collaborative project between [CSIR](#), Ministry of Science and Technology, and the Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy ([AYUSH](#)), Ministry of Health and Family Welfare, of India.

It seeks to facilitate access to traditional knowledge practised in India that was previously publicly available but linguistically and technologically inaccessible to patent offices.

With a database of 34 million pages of text in English, German, French, Japanese and Spanish, the [TKDL](#) seeks to prevent the grant of erroneous patents over products that use traditional knowledge.

According to [CSIR](#) the agreement signed with the EPO over the [TKDL](#) in February 2009 has had a significant impact. Since then, a team within the [TKDL](#) has identified about 230 patent applications at the EPO relating to Indian systems of traditional medicine.

The **Guidelines for Examination** in the EPO state that, after a patent application is published, any person may present observations concerning the patentability of the invention.

A team of people working at the [TKDL](#) in India has used this provision to file third party documentary evidence against these identified applications. After receiving [TKDL](#) evidence, the EPO has set aside its original intention to grant patents in at least two cases, while 33 applications were withdrawn by the applicants.

[CSIR](#) claimed that around 400 applications pending in various other patent offices have also been similarly challenged.

Reading Gurry's statement to the conference, Wichard said the [TKDL](#) project complemented the work in WIPO's Intergovernmental Committee (IGC) on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

Wichard said that the IGC is negotiating over an international legal instrument to ensure effective protection of traditional knowledge and traditional cultural expressions, and to regulate the interface between IP and genetic resources.

The IGC will submit draft texts of the instrument to the WIPO General Assembly in September this year, after which the Assembly would decide whether a Diplomatic Conference could be convened.

Wichard described the [TKDL](#) as "an excellent example of a technical platform which can work alongside legislative frameworks and support them."

"The [TKDL](#) is distinct from – but complementary to – the negotiations taking place in the IGC," he added.

[CSIR](#) Director General Samir K Brahmachari and [Director of the TKDL V K Gupta](#) reaffirmed India's willingness to share their knowledge and experience in building the [TKDL](#) with other countries.

Brahmachari added that the challenge was to ensure that traditional knowledge serves future generations. He also said it was important to use the [TKDL](#) to "evolve a mechanism to create affordable healthcare", and utilise the knowledge for the benefit of all.

India's Minister of Science and Technology, Earth Sciences, and Parliamentary Affairs, Pawan Kumar Bansal confirmed that Japan was due to sign the formal agreement on March 25, but this had been deferred following the earthquake.

He added that negotiations are under way to conclude the access agreement with the New Zealand Office,

The event was organised by WIPO and India's [Council of Scientific and Industrial Research \(CSIR\)](#) in New Delhi from Tuesday March 22 to Thursday March 24

It has featured representatives from 35 countries and was designed to explore how other countries could emulate India's experience with the [TKDL](#).