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## Digital library to protect indigenous knowledge

T. V. Padma  
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[NEW DELHI] South Asian countries will create a digital library of the region's traditional knowledge and develop laws to prevent such knowledge being misappropriated through commercial patents.

The plan was announced at a two-day workshop held in Delhi, India, last week by the South Asian Association for Regional Cooperation (SAARC). Participants at the workshop have begun drawing up a technical framework for classifying the region's traditional knowledge and linking it to the international patent classification system.

The aim is to create a composite digital library comprising individual **Traditional Knowledge Digital Libraries (TKDL)** from each country in South Asia.

Accessible using the Internet, the library will contain information on traditional medicine, foodstuffs, architecture and culture. SAARC will fund the infrastructure required, and individual nations will fund the costs of training and work.

The meeting's delegates said South Asian nations could use the digital library to fight contentious patent claims by proving the prior existence of knowledge, as well as promoting research on novel drugs, enhancing the region's share of the global herbal medicine market and helping set the international agenda on intellectual property rights.

The planned initiative follows the success of India's own **TKDL**, which will be used as a model by other South Asian nations. India created its library after fighting a successful but costly legal battle in 1999 to revoke a US patent for the use of turmeric to heal wounds — a property well known in India for generations.

The Indian library contains information on 36,000 formulations used in *Ayurveda* — India's 5,000-year-old system of traditional medicine. The information — presented in English, French, German, Spanish and Japanese — was created in a format accessible by international patent offices to prevent the granting of inappropriate patents.

The database set international standards for registries of traditional knowledge, which were adopted by the intergovernmental committee of the World Intellectual Property Organization (WIPO) in 2003.

In 2001, India developed a system for classifying resources used in traditional knowledge that is similar to that used by the International Patent Classification (IPC). The IPC has agreed to include the Indian system in its own classification, which will be expanded to include about 200 sub-groups of drugs derived from Indian medicinal plants.

According to delegates at the Delhi meeting, this is likely to significantly aid patent offices searching the databases to ensure that proposed patents are truly novel and have not been reported before.

Documenting traditional knowledge has become important as most of it is in the public domain and is easy to misappropriate, says Raghunath Mashelkar, director general of the **Council of Scientific and Industrial Research (CSIR)**.

India's National Institute of Science Communication and Information Resources (NISCAIR) found that in 2000, almost 80 per cent of the 4,896 references to individual plant-based medicinal patents in the US Patents Office related to seven medicinal plants of Indian origin.

In 2003, there were almost 15,000 patents on such medicines in the US, European and UK patent offices' registries. However, according to the institute's director Virender Kumar Gupta, none of the 131 academic journals used by patent examiners when deciding whether to grant a patent is from developing countries such as Brazil, China or India.

South Asia possesses significant traditional knowledge that affects biotechnology, agriculture, pharmaceuticals and health care. More than 80 per cent of its 1.4 billion population have no access to modern health care services and medicine, and rely on traditional medicine, the Delhi meeting heard.

The region shares a common heritage in traditional medicine — Bangladesh, India and Pakistan share the *Unani* system of medicine, whereas *Ayurveda* is used in India, the Maldives, Nepal and Sri Lanka. India's NISCAIR has prepared and circulated a practical guide for classification of traditional knowledge to other South Asian countries.

The Indian digital library of traditional knowledge has also attracted attention from other regions. Representatives from South Africa, the Commonwealth West African Education Delegation, the African Regional Industrial Property Organization and International Property Office in Singapore have discussed with India the possibility of creating similar databases.

The participants at the meeting, including staff of the SAARC Documentation Centre in Delhi, NISCAIR, and WIPO also discussed creating new laws to prevent misappropriation of traditional knowledge.

Mikhail Makarov, deputy director at WIPO's technology retrieval systems service told SciDev.Net that WIPO is working towards a new legal instrument to protect traditional knowledge, using a combination of existing intellectual property laws and *sui generis* laws unique to individual circumstances of the countries developing them.

Brazil, Costa Rica, India, Panama, Peru, the Philippines, Portugal, Thailand and the United States are among those that have adopted *sui generis* laws that protect some aspects of traditional knowledge.

Regional organisations in the South Pacific and Africa are trying to define specific rights relating to traditional knowledge and strategies to protect them, said Shakeel Bhatti from WIPO's global intellectual property issues division.

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