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ADVERTORIAL, ENTERTAINMENT PROMOTIONAL FEATURE
DelhiTimes**INDIAN GOVT SAYS HEY, KHADI'S NOT GERMAN!****PIRATES OF THE PATENTS**India's been going 'hey, that's ours!' for quite a few years now, fighting foreign patents for things like *basmati*, *yoga*, *neem* and now *khadi*

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Mahatma Gandhi had little in common with the Germany of his time, but the Deutschland has moved on – so much so that it now wants to appropriate *khadi* for itself! No wonder the Indian administration had an 'arrr!' response when a German firm recently sought to copyright the 'Khadi' brand. The Khadi and Village Industries Commission (KVIC) countered quickly to register *khadi* as a 'wordmark' to check further violation, and "has sought legal opinion to seek geographical indications that will give *khadi* the same status as Darjeeling tea, champagne and Kolhapuri *chappals*, which will check against 'counterfeiting' of a product

ATTEMPT TO COPYRIGHT BY US UNIVERSITY**HALDI**

In 1997, the Indian Council of Scientific and Industrial Research (CSIR) succeeded in getting revoked a patent on the use of turmeric or *haldi* powder as a wound-healing agent. The patent was granted in 1996 to two Indian scientists at the University of Mississippi Medical Centre, despite the then-wide-spread protests over a controversial *neem* patent, which had been awarded only a year ago. It was approved on the grounds that the use of *haldi* in the powder form was new. Of course, that cut no ice, and the patent was soon revoked.

ATTEMPT TO COPYRIGHT BY BIKRAM CHOUDHURY/ AMERICAN COMPANIES**YOGA AND AYURVEDA**

In 2002, the then-government set up a task force to protect traditional knowledge and intellectual property by documenting yoga postures, techniques and formulae in the Ayurveda, Siddha and Unani medicinal systems. They were just being careful, after having being pelted with a multitude of copyright claims to various techniques in these desi disciplines. The noisiest one was by a *phoren desi* – Hollywood-based 'hot yoga' guru Bikram Choudhury – who registered his method of doing yoga in a steam room using 26 asanas. Choudhury registered the sequence with the US Copyright Office in 2002, and even settled a claim by another California yoga outfit that said his copyright was 'unenforceable'. Reports at the time had said that the Indian health ministry was to protest to the US Patents and Trademark Office over the issuing of yoga-related patents.

In 2005, the task force was quoted in reports as saying that the US Patents Office had till then issued 134 patents on yoga accessories, 150 yoga-related copyrights and 2,315 yoga trademarks, while Britain had approved at least 10 trademarks relating to 'yoga training aids'.

The database – the **Traditional Knowledge Digital Library** – which was started in 2002, was completed after eight years, and covered about 2,00,000 local treatments that were free to be used and could not be appropriated as 'brands'.

COPYRIGHTED BY AMERICAN FIRM**BASMATI**

The *basmati* battle made a lot of noise, primarily because of frustration at the government having let private foreign companies claim copyright on the Indian staple. In 1997, the US granted a *basmati* patent to the company Ricetec; the nearly 20 claims covered the rice plant, the grain and even farming methods. Finally waking up to the danger that farmers at home faced, the Indian and Pakistani governments protested and took up the issue at forums like the WTO. By 2001, the patent granted had been narrowed to a few variants of the grain. The Indian government, despite protests, decided not to press the issue, saying it was satisfied that Indian interests had been safeguarded.

ATTEMPT TO COPYRIGHT BY AMERICAN FIRM**NEEM**

The battle to reclaim the benefits of *neem* took the Indian government almost 10 years – one report said that combined, the legal battle to have patents over *haldi* and *neem* medicines revoked cost it about \$5million (over ₹30 crore today). In 2005, India won a decade-long battle against the granting of a patent to a neem-based crop fungicide by the European Patent Office (EPO). The EPO had in 1995 awarded the patent to the US Department of Agriculture and the multinational WR Grace for neem-based bio-pesticides for use on food crops. The Indian side argued successfully that these properties have been part of the traditional knowledge of Indian farmers and the scientific community for centuries.

ATTEMPT TO COPYRIGHT BY GERMAN FIRM**KHADI**

The *khadi* 'wordmark' that the KVIC is seeking will prevent entities like a German firm, which sought to sell products under that name, from using it as a brand name, with or without a prefix or suffix. The firm has been selling shampoos, soaps, kajal and lipstick under the *khadi* brand, and the KVIC is set to file "for an international trademark to protect its brand in the US, Canada, the European Union, the CIS countries and South America," said the TOI report. It said the government has also "approached the Organization for Harmonization in the Internal Markets, the EU trademark office, to prevent what it terms an 'IPR (Intellectual Property Rights) violation'. The government has dug out old documents signed by Mahatma Gandhi to argue its case."



Pics: Thinkstock Photos/ Getty Images

that is intrinsic to the subcontinent," as per a report in The Times of India yesterday.

But this isn't the first time India's swatting away obstreperous attempts to patent or copyright traditionally (and obviously) desi stuff. It's had to fend off multiple yoga patents in the US, and foreign patents for *basmati*, *neem*, 'the healing properties of' powdered *haldi*, and even Ayurveda. In fact, it's had to put in place measures to quickly build and trademark repositories of such traditional systems and disciplines, to prevent clever individuals and companies abroad from laying claim to them again. These attempts to tap the rich biodiversity of developing countries has been called 'bio-piracy', and here are more of these 'hey, gimme that, it's mine!' misadventures that India's had to handle.