



## India's Digital Library of Traditional Knowledge—a New Tool in Protecting Indigenous Rights

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The concept of applying intellectual property rights to traditional knowledge has been getting more publicity in recent years. With international disagreements about the patenting of "traditional knowledge," like Yoga, there are legitimate concerns presented by this concept.

A three-day conference called the International Conference on the Utilization of the Traditional Knowledge Digital Library as a Model for Protection of Traditional Knowledge started on 22 March in New Delhi, India. As concerns about the misappropriation of traditional knowledge rise, India's Council of Scientific

and Industrial Research (CSIR) created a Traditional Knowledge Digital Library (TKDL) as a resource for documenting traditional knowledge, like the traditionally known medicinal properties of plants.

Representatives from 35 countries attended the conference to discover the Library's successes, and understand how to apply a similar system to their own country.

The TKDL is an effort to provide patent offices with resources to understand India's traditional knowledge. Indeed, having as much information as possible at one's fingertips is essential to drafting, examining, and understanding patent applications/patents. The information in the Library is intended to act as a "bridge" between the ancient Sanskrit information, and patent examiners at international offices—a bold goal. So far, EPO, Indian, German, UK, US, Canadian, and Australian examiners have access to the information stored in the library. The intention is to allow these examiners to better understand the historical knowledge and to prevent complex and expensive opposition procedures. The Indian government estimates (in their press release) that the cost of opposing a granted patent at the international level can cost between \$200,000 and \$600,000. The TKDL contains around 226,000 medical formulations; opposition proceedings for all of these formulations would be prohibitively expensive.

With disclosure, however, comes protection of other forms. The surprising part is that the information is only accessible to these offices via Access and Non-Disclosure Agreements. As I mentioned in my earlier post about the restrictive copyright policies of the ACM and the IEEE, locking knowledge away isn't the best way to create a system of scientific advancement. However, the WIPO press release raises the concern that much of this information wasn't previously available to the rest of the world, e.g., information known only to indigenous populations that use it for their livelihood. The developing/recently developed world and IP have never been great bedfellows—from HIV retroviral medications to allegations of naked exploitation, there has always been friction between those pushing for stronger IP protection and those in developing/recently developed countries. There's clearly a balance here that needs to be met.

While the information is protected under these non-disclosure agreements, it appears from the TKDL website that an IP office that uses the information may make available a "printout to the patent applicant for the purposes of citation only." This seems like a positive way of disclosing the necessary prior art to continue with prosecution of the application, without releasing all of the information in the Library at once.

Finally, the WIPO press release notes that other countries are interested in learning from the experience, in order to implement one for their own traditional knowledge. The countries with great biodiversity, for example, those containing part of the Amazon rainforest, would stand to benefit from a database such as the TKDL.