

POP!Corn Law -India

Never Ceases to Amaze!

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Indian Government Doing the 'Gyana'Asana (Knowledge Asana)

(Word of Caution -slightly long post ahead!)

1. Introduction

India is often romanticized as a land of sages, spiritual journey, Ayurveda (herbal medicines), and recently Yoga. The prevalence of these notions can be attributed to the fact that India boasts of a really long, and rich cultural heritage. The land has observed many dynasties rise and fall, the beginning and end of civilizations (Harappa Valley Civilization), and extremely interesting mythologies that have time and again pointed towards unique inventions which are parallel to some of the modern day technology.[1] Many of the ancient Indian texts have mentioned the healing nature of certain herbs and the same knowledge has been passed down through many generations in India, making it a subject of common knowledge e.g. Turmeric (*Haldi*) is known for its naturally antiseptic and antibacterial qualities, the use of Neem tree leaves and even branches to prevent serious ailments etc. The issue of bio-piracy has been plaguing most of the developing countries -Malaysia, Thailand etc. have reported such cases in the past and India is no exception to the same. I will briefly discuss the impending need for a traditional knowledge regime for India, individuals aware of the same can skip the **Background** and simply move forward to the heading **Yoga as a Traditional Knowledge**.

2. Background

It has been observed in the past that many corporations have attempted to patent the Indian Traditional Knowledge in their countries and the same has been successfully opposed by the Indian Government (case for patenting Turmeric[2] and Basmati patent[3] granted by the U.S. Patent Office, Neem Patent granted by the European Patent Office.[4]) India learnt from its past experience and created a vast **Traditional Knowledge Digital Library (TKDL)**, in the year 2001, where all the information regarding medicinal plants (according to Ayurveda), formulations and compositions used in making certain medicines etc. is easily available. This prevents the miscreants from attempting to patent the already well known techniques and treatments in their home country. In furtherance thereof, **TKDL** has entered into agreements with the U.S. Patent Office, The EU Patent Office, U.K. Patent Office, German Patent Office, Canadian Intellectual Property Office, Japanese Patent Office etc. to ensure that the verification of novelty of a patent includes looking into the **TKDL** database as well. This tends to protect the Indian interests in preserving its traditional knowledge and at the same time ensures that the use of such knowledge will result in monetary gain to the country and not to some capitalist corporation seeking to exploit the already known knowledge.

3. Yoga as a Traditional Knowledge

Earlier this year June 21 was celebrated as International Yoga Day with millions of people across the globe participating in the same. India has been home to Yoga for centuries now and it is one of the most valuable contribution made by India in encouraging people across the globe towards adopting a healthy lifestyle. However, with the increasing popularity of Yoga the government has become wary that certain Multi National Corporations and individuals have made attempt to claim copyright over certain Yogic postures or *Asanas* to gain monetary incentive[5]. In one such case in the United States of America the courts held that the sequence of Yoga postures was not copyrightable, Yogic postures were within the public domain and yoga instructors were free to develop their poses without the fear of infringing any copyright[6]. The idea of copyrighting Yoga Postures is inherently against the Indian ideals of '*gyaan*' which encourages the spread of knowledge among the people, as one of the famous Indian saying goes 'knowledge- the more you spread the more it increases' interestingly, the concept of IP laws itself is very western in comparison to ancient Indian beliefs of uplifting the community by spreading knowledge. Yoga has been in the public domain and is a commonly known to people in India, while one can be attributed for popularizing the practice it is impermissible to allow copyright over the same as it would prevent dissemination of knowledge of Yoga among the people. It is due to these reasons that the Indian government has started recording 1,500 Yogic Postures from the ancient texts and have uploaded them as a part of the **TKDL** to prevent any malevolent attempt of MNC's or individuals from copyrighting the same[7].

This move of the Indian government is a welcome step towards ensuring that the country's rich cultural heritage is not reduced to objects of commercial utilization alone i.e. it is available for all to use, share (in accordance with the ancient texts), and benefit