

India inks agreement with EU patent office

Aarti Dhar

NEW DELHI: India has signed an agreement with the European Patent Office (EPO) to establish a mechanism to protect India's traditional medicinal knowledge from bio-piracy.

As per this access agreement, India's **Traditional Knowledge Digital Library (TKDL)** - the first of its kind database on traditional medicines - would now be available to the Patent Examiners at the EPO for establishing prior art, in case of patent applications based on the Indian systems of medicines. The EPO has 34 member states.

This agreement would provide against infringement of the country's rich traditional medicinal heritage having huge economic potential and would prevent situations witnessed during the last decade, including grant of wrong patents on wound healing properties of turmeric (1995) at the United States Patent and Trade Mark Office (USPTO) and on antifungal properties of neem granted at the EPO.

Official estimates suggest that at least 2,000 wrong patents concerning Indian sys-

tems of medicine were being granted every year internationally mainly due to India's traditional medicine knowledge existing in Sanskrit, Hindi, Arabic, Urdu and Tamil and neither accessible nor understood by patent examiners at international patent offices.

The **TKDL** has been able to scientifically convert and structure the information available in Indian languages in open domain text books into five international languages such as English, Japanese, French, German and Spanish, **V.K. Gupta**, head of the information technology division of the Centre of Scientific and Industrial Research, told reporters here on Monday. The library has information contents in 30 million A4 size pages, posted with the help of IT tools and a novel classification system - Traditional Knowledge Resource Classification.

At present, India through **TKDL** is capable of protecting about 2 lakh medical formulations similar to neem and turmeric. On an average, it takes five to seven years for opposing a granted patent at the international level, which

may even cost Rs. one to three crore. The cost of protecting two lakh medicinal formulations, in the absence of **TKDL**, would be unaffordable, **Dr. Gupta** explained.

The agreement would enhance the negotiating strength of India and developing countries at the international forums. The international IP community had recognised **TKDL** as an effective tool for defensive protection of traditional knowledge. The agreement would pave the way for others with more major international patent offices to prevent the misuse of this vast information. Several Asian and African countries have approached India for help in developing similar digitalised libraries for their traditional knowledge.

In the past, 285 medicinal plants have been granted patents and about 200 to 500 such patents are granted every year because of lack of access to the documented knowledge in the public domain. At any given point in time, 40 to 50 patent applications based on Indian traditional knowledge are awaiting grant of patent.