

PRESS RELEASE

India partners with EU to prevent India's Traditional Medicinal Knowledge from Biopiracy

New Delhi 9 Feb, 2009: India through an Access Agreement with European Patent Office, has established a mechanism to protect India's traditional medicinal knowledge from biopiracy. The maiden Indian effort in creating 'Traditional Knowledge Digital Library (TKDL) database would now be available to the Patent Examiners at European Patent Office (EPO having 34 member states) for establishing *prior art*, in case of patent applications based on Indian systems of medicine.

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

The grant of these patents in United States and Europe were the cause of great national distress, since, every Indian felt that the knowledge that belonged to India were wrongfully taken away from India. Further, the patents would have conferred exclusive rights on the use of technology to the applicant of the patent in the country in which it has been granted.

The genesis of this maiden Indian effort dates back to the year 2000, when an interdisciplinary Task Force of experts was set up by AYUSH and CSIR, to devise a mechanism on protection of India's traditional knowledge. The TKDL expert group estimated that about 2000 number of wrong patents concerning Indian systems of medicine were being granted every year at international level, mainly due to the fact that, India's traditional medicine knowledge exists in languages such as Sanskrit, Hindi, Arabic, Urdu, Tamil etc. and was neither accessible nor understood by patent examiners at the international patent offices due to language and format barriers.

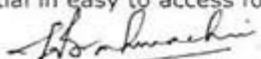
The TKDL breaks these barriers and has been able to scientifically convert and structure the information available in languages like Hindi, Sanskrit, Arabic, Persian, Urdu and Tamil, in open domain text books into five international languages, namely, English, Japanese, French, German and Spanish, with information contents in 30 million A4 size pages, with the help Information Technology tools and a novel classification system - Traditional Knowledge Resource Classification (TKRC).

Today, India through TKDL is capable of protecting about two lakh (0.2 million) medical formulations similar to neem and turmeric. On an average it takes five to seven years for opposing a granted patent at international level which may cost Rs one to three crores (0.2-0.6 million US\$). Therefore, the cost of protecting two lakh (0.2 million US\$) medicinal formulations, in the absence of TKDL, would be staggering and completely unaffordable.

This international agreement is unique and would have long-term implications on the protection of traditional knowledge and global intellectual property systems as would be evident from the fact that in the past, patents have been granted at EPO on the use of over 285 medicinal plants due to the lack of access to the documented knowledge in public domain for the examiners of EPO. Also, at any point in time, 40-50 patent applications based on Indian traditional knowledge are awaiting grant of patent and TKDL Access Agreement would prevent all future grant of patents wherever evidence of prior knowledge exists in TKDL.

The TKDL Access Agreement with EPO would enhance the negotiating strengths of India and developing countries at the international forums. In fact, the international IP community has recognized TKDL as an effective tool for defensive protection of Traditional Knowledge. In a recent communication, the Director General, World Intellectual Property Organization, has recognized TKDL as a strong practical tool which has made unparalleled contributions to the international policy context of the patent systems by offering a template for other countries who seek to protect their traditional knowledge.

The TKDL Access Agreement with EPO would pave the way for similar agreement with other major international patent offices to prevent the misuse of this vast information of huge economic potential in easy to access form.


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