

United States Patent and Trademark Office

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India Grants Access to U.S. Patent Examiners for New Traditional Knowledge Search Tool

WASHINGTON – The Commerce Department’s United States Patent and Trademark Office (USPTO) today announced that the Government of India has granted the agency’s patent examiners access to a new digital database containing a compilation of traditional Indian knowledge. Access to the Traditional Knowledge Digital Library (TKDL) is important for both India and the United States to prevent misappropriation of traditional knowledge.

“The USPTO has long been concerned about attempts to patent traditional knowledge, not only because it may result in an incorrectly granted patent, but also because it removes knowledge from the public domain,” said Sharon Barner, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the USPTO.

This database will be an important addition to the growing array of search tools on traditional knowledge from around the world that is already available to USPTO examiners. These tools include dictionaries, formularies, handbooks, and historical or classical works, as well as databases such as the TKDL. USPTO examiners use these tools to help prevent the patenting, and thereby misappropriation, of existing traditional knowledge. A listing of some of these publicly available traditional knowledge tools can be found on the USPTO’s Web site at: <http://www.uspto.gov/web/offices/dcom/olia/tradknowledge.html> (<http://www.uspto.gov/web/offices/dcom/olia/tradknowledge.html>).

“We have urged countries to create, and make available to examiners around the world, digital libraries of their traditional knowledge to prevent erroneous patent grants,” Barner said. “India’s TKDL is just such a library, and we are pleased that our examiners now have access to it.”

The new database, developed jointly by India’s Council of Scientific & Industrial Research (CSIR) and the Department of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homeopathy (AYUSH), includes over 200,000 traditional medicine formulations on Ayurveda, Unani and Siddha comprising 30 million pages. The TKDL contains text-searchable English-language translations of these sources, permitting USPTO examiners to search thousands of years of India’s accumulated traditional knowledge. The TKDL also contains translations into French, German, Japanese and Spanish, from these sources, originally written in Hindi, Sanskrit, Arabic, Persian and Urdu.

The misappropriation of traditional knowledge through the mistaken issuance of patents has been a growing concern with the rise of the global economy and the increasing importance of intellectual property. A few high profile cases brought significant attention to this matter, prompting efforts by a number of countries to create digital traditional knowledge databases accessible to patent examiners around the world. If a patent application attempts to claim an invention within the existing traditional knowledge, a patent examiner will reject the application provided they can find evidence proving the prior existence of that knowledge. Searching the TKDL will provide access to just the sort of evidence needed by examiners to establish that proof.

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