



## UNIT-IV

# TRADITIONAL KNOWLEDGE AND INTELLECTUAL PROPERTY

### 1. Systems of traditional knowledge protection

There are two forms of intellectual property related protection systems with regards to traditional knowledge. They are:

**Positive protection**, i.e. giving traditional knowledge holders the right to take action or seek remedies against any misuse of traditional knowledge. Any system of positive protection of traditional knowledge must provide for:

- Recognition of value and promotion of respect for traditional knowledge systems.
- Responsiveness to the actual needs of traditional knowledge holders.
- Repression of misappropriation of traditional knowledge and other unfair and inequitable uses.
- Protection of tradition based creativity and innovation.
- Support of traditional knowledge systems and empowerment of traditional knowledge holders.
- Promotion of equitable benefit sharing from use of traditional knowledge.
- Promotion of the use of traditional knowledge for a bottom up approach to development.

**Defensive protection**, i.e. safeguarding against illegitimate intellectual property rights acquired by third parties over traditional knowledge. Any system of defensive protection of traditional knowledge must provide for:

- The criteria defining relevant prior art apply to the traditional knowledge.
- A mechanism to ensure that the traditional knowledge constituting prior art is available and accessible to search authorities.



It is suggested that these two approaches should be undertaken in a complementary way as a comprehensive approach to protection of traditional knowledge is unlikely to rely totally on any one form.