



## Legal concepts for the protection of traditional knowledge

## Certain other legal concepts for traditional knowledge protection are:

- **Prior Informed Consent**: As per this principle traditional knowledge holders should be fully consulted before third parties use their knowledge.
- **Equitable Benefit Sharing**: This principle prescribes the balancing of the interests of the right holders and the general public.
- Unfair Competition: Unfair competition means any act of competition contrary to honest practices in industrial or commercial matters and includes various acts that mislead the public or cause confusion. This principle allows for action to be taken against false or misleading claims that a product is authentically indigenous, or has been produced or endorsed by, or otherwise associated with, a particular traditional community.
- **Patents:** When practitioners innovate within the traditional framework, they can use the patent system to protect their innovations.
- **Distinctive signs:** such signs include trademarks, collective marks, certification marks and geographical indications. Traditional signs, symbols and terms associated with traditional knowledge may be protected as distinctive marks.
- Customary laws: Customary laws, protocols and practices are the ones which define how traditional communities develop, hold and transmit traditional knowledge.

Certain non IPR mechanisms of traditional knowledge protection





Traditional knowledge has been protected by certain mechanisms which are beyond the domain of intellectual property. Such mechanisms are:

- Environmental: Concluded in 1994, the UN Convention to Combat Desertification provided for the protection of traditional knowledge in the ecological environments as well as the sharing of benefits arising from any commercial utilization of this TK
- **Health:** The World Health Organization has recognized the relevance of traditional knowledge in the field of medicine as a source of primary health care in the Primary Health Care Declaration of Alma Ata.
- Trade and Development: The Doha Declaration adopted by the World Trade Organization in the Doha Ministerial Conference, in 2001, instructed the TRIPS Council to examine issues regardingthe protection of traditional knowledge.
- **Food and Agriculture:** The International Treaty on Plant Genetic Resources for Food and Agriculture provides for the recognition of farmers rights and the protection of traditional knowledge relevant to plant genetic resources for food and agriculture.