

REPORT

WORKSHOP ON IPR AND TRADITIONAL KNOWLEDGE- CONTEMPORARY ISSUES AND CHALLENGES

February 27, 2020



The workshop on “IPR AND TRADITIONAL KNOWLEDGE: CONTEMPORARY ISSUES AND CHALLENGES” was organised by Maharaja Agrasen Institute of Management Studies, School of Law on February 27, 2020 in the Seminar Hall, block no. 7”. The workshop was attended by 83 students from Department of Law.

The workshop was graced by dignitaries such as Prof. S.K. Garg, Prof. G.P. Govil, Prof. (Dr.) Ravi Kumar Gupta, Dr. Krishan. S. Kardam, Dr. Claudia Masoni and Dr. Sunanda Bharti. The workshop began by lightening the lamp and praying to goddess Ma Saraswati. The guests for the day were being welcomed by presentation of saplings and shawls.

The welcome address was presented by Prof. Garg, where he not only introduced the concept of IPR but also cited a tremendous example of 150 years back of two scientists one of whom belonged to Russia and the other one to Germany. The duo shared the same work and prepared the traditional periodic table but the Russian scientist got his work published 50 days prior to the work of the other scientist and his name is still recognised as the founder of the traditional periodic table by Mendeleev, thus the importance of patenting could be traced from long back.

Dr. KS Kardam, the Senior joint controller of Patents and Trademarks Chaired the first session wherein he mentioned that the recognition of IPR started recently but it was prevalent in the society for long. He mentioned about the Ramayana as it is believed that Ravana brought an airplane which was a source of invention and Aryabhatta introduced the world with the digit Zero. All of these are creations but at that time the knowledge of patenting and IPR was quite low. He mentioned about the amendments and history of patent since 1856 till 2005 along with the examples on Biopiracy. Furthermore he glorified the classification of CSIR and AYUSH. CSIR has digital library which has got certain patents cancelled worldwide having Indian



MAHARAJA AGRASEN INSTITUTE OF MANAGEMENT STUDIES

A unit of Maharaja Agrasen Technical Education Society
Affiliated to Guru Gobind Singh Indraprastha University; Recognized u/s 2(f) of UGC
Recognized by Bar Council of India; ISO 9001:2015 Certified Institution
Maharaja Agrasen Chowk, Sector 22, Rohini, Delhi-110086, India www.maims.ac.in

origin. He strongly submitted that till date there is no formal legislation to protect the Traditional Knowledge of the people. The Intellectual Property Organisation which administers International Intellectual properties in all countries has laid formal guidelines for protecting genetic resource and traditional knowledge. Till date 40 sessions are conducted to address this concern by this organisation. After the conclusion of Dr. K. S. Kardam informative inaugural speech, the First Session commenced wherein the faculty member Ms. Nisha Dhanraj Dewani while introducing Dr. Claudia Masoni who was from Italy, worked as a field researcher in many projects relating to traditional knowledge, appreciated her for her contribution of her chapter in her upcoming book on 'Protection of IPR and Traditional Knowledge' having USA Publication.

Dr. Claudia mentioned that traditional ecological knowledge is a body of knowledge built by a group of people through generations living in close contact with the nature it includes the system of classification a set of empirical observations about the local environment and the system of self management that governs resource use. She further mentioned that sustainable development is the economic development conducted without the depletion of natural resources. Further she discussed about bio piracy that it is the unauthorised commercial use of biological resources for associated traditional knowledge from developing countries or from the indigenous communities are the patenting of various inventions based on traditional economic knowledge without prior informed consent and benefit sharing. She stressed upon the eligibility for patents is the Novelty, non obviousness and its utility. Along with the same, she put in discussion the laws like Article 27.3 (b) of the TRIPs agreement, Article 8 of convention on biological diversity, Article 31 of the UN declaration on the rights of indigenous peoples and Article 15 of international Covenant on economic social and cultural rights. Dr. Claudia emphasised on defence mechanism, the active protection and secret knowledge in the context of Traditional knowledge along with the difference between the privacy and the breach of confidence. This session kept engaged students with discussions and questions.

Session II

Dr. Sunanda Bharti, Assistant Prof. from University of Delhi, chaired the session II, gave an interesting example on Traditional Knowledge including Traditional Cultural Expressions, wherein she talked about the origin of traditional knowledge, its unique features and the need to protect Traditional Knowledge. She also shared her personal experience where she lived around the Bangni Tribe in Arunachal Pradesh and how they carry out their day to day activities like agriculture, fishing, weaving, handicrafts and cooking etc. purely with natural resources and material they obtained from the forest. She also enlightened the students on the need to protect Traditional Cultural Expressions and the problems concerning it. She stressed upon the issues like misappropriation of traditional cultural expression along with certain exceptions.

Lastly the vote of thanks was presented by Prof. (Dr.) Ravi Kumar Gupta wherein he not only concluded the workshop but emphasised on "*Vasudev Kutumbakam and sarve bhavantu sukhinah shloka*".