Science & Technology · GS - III

How is the Government of India protecting traditional knowledge of medicine from patenting by pharmaceutical companies?

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MARKS	WORD LIMIT
15	~250 words

Answer Hint

Traditional Knowledge Digital Library; patent examination; prior art; Indian patent law; defensive protection; international cooperation; biodiversity governance; benefit-sharing

Model Answer

Introduction

Traditional medicinal knowledge includes remedies and practices developed by communities over generations. Inadequate documentation can allow others to seek patents over existing knowledge, a practice often described as biopiracy.

Measures Taken by the Government

1. Traditional Knowledge Digital Library (TKDL)

Established by the Council of Scientific and Industrial Research and the Ministry of AYUSH, the TKDL documents traditional medicinal knowledge from sources such as Ayurveda, Siddha, Unani and Yoga in a format accessible to patent examiners.

It helps examiners identify existing knowledge as prior art and reject patent claims that lack novelty.

2. Access for Patent Offices

The TKDL has enabled authorised patent offices in several jurisdictions to consult documented Indian traditional knowledge during patent examination, helping prevent erroneous patents.

3. Patent Law Safeguards

The Patents Act, 1970, as amended, provides grounds for refusing or revoking certain claims based on traditional knowledge already known or used by local or indigenous communities. Requirements concerning novelty and inventive step also help prevent the patenting of existing knowledge.

4. Documentation and Research

The government supports documentation, digitisation and scientific validation of traditional medicinal resources, helping preserve knowledge and improve its responsible use.

5. Biodiversity and Benefit-Sharing Framework

The Biological Diversity Act and associated access-and-benefit-sharing mechanisms regulate access to biological resources and associated knowledge in applicable circumstances, helping ensure fairer sharing of benefits.

6. International Engagement

India has advocated stronger international recognition of traditional knowledge and safeguards against biopiracy in discussions concerning intellectual property.

Limitations

Documentation cannot capture every community practice. There are also concerns about confidentiality, consent, commercial exploitation and equitable benefit-sharing.

Conclusion

India protects traditional medicinal knowledge mainly through defensive documentation, patent-law safeguards and biodiversity governance. Stronger community participation and fair benefit-sharing are necessary to complement these measures.

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