

## ABSTRACT

### Protecting indigenous knowledge and promoting traditional medicine: The Indian experience

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What is the Indian experience in connection with protecting biological diversity and traditional knowledge? I will consider in this research what ‘traditional knowledge’ is in India and who are the holders. One particular issue is how traditional medical knowledge is transmitted among holders, intergenerationally and the role customary laws play into.

India is a party to the Convention on Biological Diversity (CBD). This country has introduced the 2000 Biodiversity Bill to address the basic concerns of access to and utilization of biological resources and knowledge by foreigners. I will consider what the Bill implies concerning prior informed consent, disclosure of origin and benefits sharing. Recently, several cases of biopiracy of traditional knowledge from India have been reported. I shall later see what are the biological materials and the associated traditional knowledge patented by foreigners.

India is also a party to the TRIPS Agreement of World Trade Organization (WTO), which creates among others private rights over inventions. India is still in the process of identifying the essential components of an international *sui generis* system to protect traditional knowledge. I will therefore see thoroughly how the Indian Government wants to amend the TRIPS article 27.3 and what is his global view on the future of the intellectual property rights system. Another issue under discussion is how India perceives the concepts of ‘public domain’ and ‘geographical indication’.

Finally, the research will lead us into a south Asian perspective. We will try to see as far as possible, how protecting traditional knowledge is taken into account in various countries involved in this international process, such as Malaysia and Thailand.