

13. Traditional Knowledge Digital Library (TKDL)

ABSTRACT

Describes the usefulness of the proposed digital library in the prevention of granting of wrong patents based on Indian Traditional Knowledge (ITK), dissemination of information about ITK on medicines and broadening the scope of research on Ayurveda.

KEYWORDS: Ayurveda, Digital Library, Traditional Knowledge

Protection and preservation of traditional knowledge have been a matter of concern to the developing countries in general and India in particular. India successfully contested the grant of patents for non-original inventions in its traditional knowledge systems, i.e. turmeric for wound healing (US Patent No. 5401540), neem for anti-fungal properties (EPO Patent No, 0436257), Basmati, etc. Cancellation of these patents established that (i) it is feasible to oppose grant of wrong patents at international level ;and (ii) it is extremely expensive and time consuming to contest the wrong patents at international level. Cancellation of the patent for turmeric took about 2 years whereas that for neem it took 5 years. Grant of wrong patents at international level happens owing to non-availability of information in a language known to International Patent Examiner and also, the information not being in retrievable form. Therefore, need was felt to adopt a practical and scientific approach to the problem of grant of wrong patents in our traditional knowledge systems at international level.

The Department of Indian System of Medicine and Homoeopathy (ISM&H) constituted an interdisciplinary task force consisting of Ayurveda experts from Central Council of Research in Ayurveda and Siddha (CCRAS), Banaras Hindu University (BHU), Department of ISM&H, patent examiners from the Office of the Controller General of Patent, Design and Trade Marks (CGPDTM), information technology experts from National Informatics Centre (NIC), and scientists from Council of Scientific and Industrial Research (CSIR), under the Chairmanship of Mr V K Gupta, Director, National Institute of Science Communication (NISCOM), New Delhi.

The Task Force carried out an extensive search on international patent databases and found that more than five thousand patent references on ninety

medicinal plants appeared in United States Patent and Trademark Office (USPTO) databases alone. Out of these references on ninety medicinal plants, 80% were on seven medicinal plants of Indian origin. The extensive study done on 762 patents granted on medicinal plants by USPTO revealed that more than 45% patents could be categorized as patents belonging to traditional knowledge system. Several illustrative cases were identified, such as the use of turmeric for the treatment of skin disorders; herbal compositions and their use as hypoglycemic agent for its anti-viral effect, and in the treatment of diabetes, musculoskeletal diseases, etc for which direct references of prior art are available in Ayurveda. The Task Force devised a methodology for creating a Traditional Knowledge Digital Library (TKDL) based on fifteen well-known Ayurvedic books which are being referred at undergraduate and postgraduate level courses in Ayurveda and are also well-known to Ayurvedic practitioners. These books could be easily purchased by any member of public and library (Indian or foreign) at a total cost of Rs 15,000.

The TKDL concept and methodology were also discussed with eminent experts in Ayurveda with respect to the advantages and disadvantages of creating such a digital library in public domain. Eminent Ayurvedic experts were of the opinion that TKDL, besides ensuring prevention of the grant of wrong patents for non-original inventions in our traditional knowledge system at international level, shall also ensure enhancement of modern research in Ayurveda and provide immense benefit to MD and PhD students, researchers and manufacturers. TKDL will also provide a feedback mechanism on the coverage of different viewpoints and minimize controversies on herbal drugs in future.

The Cabinet Committee on Economic Affairs has approved early establishment of Traditional Knowledge Digital Library in Ayurveda in the first instance followed by similar digital libraries in other systems of Indian medicines, such as Unani, Siddha, Yoga, Naturopathy, etc. This was also included in the budget speech of Hon'ble Finance Minister.

At international level, TKDL has received wide acceptance and support. World Intellectual Property Organization (WIPO) in its 3rd plenary session at

Geneva, at the initiative of India, decided to take up the creation of traditional knowledge databases on the knowledge available in public domain so that such databases can facilitate establishment of prior art. WIPO Standing Committee of Information Technology (SCIT) was chaired by Dr R A Mashelkar, Secretary, Department of Science Industrial Research and Director General, Council of Scientific and Industrial Research.

WIPO's special union for the International Patent Classification (IPC) Committee of experts in its 30th session held at Geneva during 19-23 February 2001 decided to create a task force with United States of America, Japan, European Patent Office, China and India as members to study in detail the Traditional Knowledge Resource Classification (TKRC) elaborated in India and investigate its information aspects and its relationship to IPC with a view to linking and/or integrating TKRC with IPC. This development at international level is extremely positive and useful to India as more than 5000 sub-classifications defined by India for Ayurveda now have the possibility to get integrated into IPC. This integration will ensure that every international patent examiner shall be obliged to search for prior art on more than 5000 sub-classifications against only one sub-classification at present. Thus, this will largely eliminate the possibilities of grant of wrong patents

at international level in the domain of our traditional knowledge system in Ayurveda.

Ms Shailja Chandra, Secretary, Department of Indian System of Medicine and Homoeopathy, has been steering the project on TKDL and has decided to get this project implemented by National Institute of Science Communication by constituting an dedicated interdisciplinary task force of thirty Ayurvedic experts from CCRAS, five IT experts from NIC, five patents examiners from the Office of CGPDTM, and fifteen scientists from NISCOM. It is expected that TKDL in Ayurveda, will get created by March 2002 in four international languages at a cost of Rs 10 million and will provide comprehensive coverage on more than thirty-five thousand Ayurvedic formulations to ensure prevention of the grant of wrong patents at international level in our traditional knowledge systems, particularly in Ayurveda. TKDL shall also accelerate modern research in Ayurveda leading to acceptability at international level which may have significant impact to Indian herbal products export. It may not be out of place to mention that India has been setting the international agenda on the Intellectual Property aspects of Traditional Knowledge (TK) so that TK also creates a path for wealth creation for the indigenous TK holders. *[Modified]*

Courtesy/Source :

— *CSIR News 2001, 51(5&6), 1-3*