

PROTECTION OF INDIAN TRADITIONAL KNOWLEDGE ACTS



THE BIOLOGICAL DIVERSITY ACT 2002



- The Act prohibits the following activities without the prior approval from the National Biodiversity Authority:
 - Any person or organization (either based in India or not) obtaining any biological resource occurring in India for its research or commercial utilization.
 - The transfer of the results of any research relating to any biological resources occurring in, or obtained from, India.
 - The claim of any intellectual property rights on any invention based on the research made on the biological resources obtained from India.



THE PATENT ACT 1970



- For the security of technological solutions which are scientifically relevant and uniformly new and require a creative stage, the patent act comes into play. For example, patents may be removed for genetic resources and TK for goods which are inaccessible, synthesized or produced from genetic structures, micro-organisms and plants or animals or organisms subsisting in environment. Patent protection is granted for processes associated with the exercise and utilization of those assets, and moreover for processes known to indigenous areas which meet the same requirements



THE COPYRIGHT ACT 1957



➤ Copyright preserves the method of speech and expression and not the ideas themselves. The holder of the copyright is sanctioned to carry out any of the actions laid down under section 14 of the Copyright Act, 1957. Copyright can be used to shield TK holders' imaginative demonstration, especially artists belonging to indigenous and indigenous groups, from illegal reproduction and misuse of such demonstrations. The relationship between the creators / artists / authors and their work are being dealt under moral rights.



GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) ACT 1999



TK is jointly held by local people, and GI is the most suitable form for safeguarding of Traditional Knowledge. A community in an exact locality is waned by the Geographical Indications of Products (Regulations and protection) Act. GI security is valid for 10 years, but it can be extended any number of times in order to safeguard GI for an infinite period of time. The methods of manufacturing products are evolving with time in order to give a better quality to the product. GIs can be used to shield traditional therapeutic products as well.



THE PROTECTION OF PLANT VARIETIES



FARMER'S RIGHTS ACT 2001

This act came into effect from September 2001. This is the sui generis law drafted to comply with the requirement of the TRIPS agreement of WTO. The criteria under the plant varieties which are entitled for safeguarding are novel variety, current variety, chiefly derived variety and cultivator's variety. Farmers and tribal groups use conventional farming methods to cultivate and preserve different traditional range of crops. The idea of efficient profit-sharing agreement between the supplier and the recipient of plant genetic resources outlines the fundamental component of the act. A plant breeder's right (PBR) on a new variety can be attained by the plant breeder if it fulfils the decisive factors of distinct, stable, uniform and novel. PBR can also be obtained on traditional plant diversity.



ANCIENT MONUMENTS PROTECTION ACT 1904



- The Ancient Monuments Preservation Act, 1904 was passed on 18 March 1904 by British India during the times of Lord Curzon. It is expedient to provide for the preservation of ancient monuments, for the exercise of control over traffic in antiquities and over excavation in certain places, and for the protection and acquisition in certain cases of ancient monuments and of objects of archaeological, historical or artistic interest. Act preserves and restores ancient Indian monuments by Archaeological Survey of India.



INDIAN TREASURE TROVE ACT 1878



- Indian Treasure Trove Act, 1878, is designed to amend the law associated with treasures found in India. The Act describes the treasure especially as “anything of any value hidden in the soil” and its value as little as 10 rupees. To avoid any conflict between the owner, the finder of the treasure, and the person claiming the treasure to ensure the property of India is not used for fraudulent purposes or a particular person’s benefits and to preserve the heritage items and the history related to them.



Thank you