

India in talks with US PTO for granting access to TKDL data to curb bio-piracy

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After sharing the database of Traditional Knowledge Digital Library (TKDL) with European countries, India is now in talks with more countries including the US for similar agreement to grant access to the details in a bid to prevent wrong patents across the world on Indian medicinal plants.

The talks with US Patent and Trademark Office (US PTO) are in advanced stages and the agreement will be concluded soon. Likewise, the authorities are also negotiating with other countries like Japan and China so that it becomes a 'win-win' situation for all sharing countries, sources with the National Institute of Science Communication and Informative Resources (NISCAIR) said.

In February this year, India granted access to TKDL to the examiners at the European Patent Office (EPO) to prevent attempts at patenting existing traditional knowledge or to curb 'bio-piracy'.

Sources said the trend of giving wrong patents has come down specially after India successfully set up the TKDL. In a study carried out in 2000 by the TKDL task force, as many as 4896 patent references were found on the medicinal plants at the international level. It went up to 15,000 in the year 2003. However, another study in 2005 found that the number of patents on medicinal plants was 35,587.

After successfully fighting the wrong patents granted at US PTO on turmeric and basmati and at EPO on neem, the TKDL was created as fighting the wrong patents was expensive and time consuming. TKDL establishes prior art for approximately 2.04 lakh formulations transcribed in five international languages – English, French, German, Spanish and Japanese – and prevents the grant of wrong patents, if claimed at the international patent offices.

The TKDL is a joint venture between five agencies including NISCAIR and the Council of Scientific and Industrial Research (CSIR). The vast database includes 54 authoritative textbooks on ayurvedic medicine, nearly 150,000 Ayurveda, Unani and Siddha medicines and 1,500 physical exercises and postures in yoga, more than 5,000 years old.

The TKDL allows examiners to compare patent applications with existing traditional knowledge. New patent applications need to demonstrate significant improvements and inventiveness compared to prior art in their field. The TKDL is so precise that it lists the time, place and medium of publication for prior art. This new catalogue system, called the Traditional Knowledge Resource Classification (TKRC), ensures meticulous documentation.

More countries across the globe are also framing such database and sharing with other countries. In 2008, the Chinese patent office (SIPO) granted the EPO access to its 32000-entry database on traditional Chinese medicine.