THE QUESTION OF HUMAN RIGHTS PROTECTION AND INTELLECTUAL PROPERTY (IP) IN THE INDIAN IP REGIME: A CRITICAL STUDY ON THE TRADITIONAL KNOWLEDGE IN MAJOR CONVENTIONS

DR. BASIL B. MATHEW*

*CURRENTLY WORKING AS LECTURER IN POLITICAL SCIENCE, MAR ATHANASIUS COLLEGE (AUTONOMOUS) KOTHAMANGALAM.

* COMPLETED PHD FROM SCHOOL OF INTERNATIONAL RELATIONS AND POLITICS, MAHATMA GANDHI UNIVERSITY, KOTTAYAM, KERALA.

ABSTRACT

The protection of Intellectual Property (IP) has been in place, in one form or another ever since time immemorial. However, intellectual property protection in its modern sense could be traced to the Paris Convention on Patents (1883), Berne Convention (1886), among others. The realm of IP protection assumed further significance with the advent of the various conventions during the 20th century especially with the conclusion of the Convention on Biological Diversity (CBD) and Trade Related Intellectual Property Rights (TRIPS). These Treaties/Agreements have been interpreted in various ways; however, a review of the same reveals that both the CBD and TRIPS offer both opportunities and challenges to the different stakeholders. In the sense that, the provisions in the CBD are more in tune, with the intellectual property interest of the custodians of Traditional Knowledge. Whereas the TRIPS Agreement appears to be supportive of the developed countries and Multinational Corporations. This paper explores the issues and challenges of IP protection in the basis the TRIPs Agreement and the CBD Convention.

KEYWORDS: Intellectual Property, Traditional Knowledge, CBD, TRIPS, Seed Act.

References