

**GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA**

UNSTARRED QUESTION NO:599

ANSWERED ON:24.02.2009

MECHANISM TO HANDLE BIOPIRACY

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Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether the Government has signed any agreement with the European Patent Office to establish a mechanism to stop biopiracy;
- (b) if so, the details thereof;
- (c) whether the Government has set up Traditional Knowledge Digital Library (TKDL) database;
- (d) if so, the details and the salient features thereof alongwith the mechanism in which it will protect India's patents and traditional knowledge; and
- (e) the expenditure incurred on TKDL project so far?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY(SHRI ASHWANI KUMAR)

(a) & (b): Yes,Sir.The Access Agreement on Traditional Knowledge Digital Library (TKDL) has been signed with European Patent Office (EPO) in February,2009.The conditions for access by EPO are as under:

(i) Access to TKDL,by the examiners of European Patent Office would only be utilized for the purpose of European patent grant procedure in all its phases including inspection of files and for no other purpose,and

(ii) International Patent Offices and their examiners would not make any third party disclosure other than what is necessary and essential for purpose of European Patent grant procedure.To this end the user may, whenever required, deliver information from TKDL contents in whatever form to the patent applicant for the purpose of citations.Except as mentioned, EPO shall preserve the secrecy and/or confidentiality of the information.Utilization of the TKDL, under the Access Agreement will facilitate in establishing prior art on patent applications filed at EPO based on Indian systems of medicine. EPO examiners can access TKDL,in addition to English,in languages such as German, French, Spanish, etc.

(c) & (d): Yes,Sir.TKDL has been created on over 2.02 lakh medicinal formulations in 30 million A4 pages from Ayurveda, Unani and Siddha texts in five international languages, which are English, French, German, Spanish and Japanese.TKDL has been created with an objective of preventing the grant of wrong patents at the international patent offices.Since the Traditional Knowledge exists in local languages such as Sanskrit, Urdu, Persian, Arabic, Tamil etc. these are neither available and even if available not understood by patent examiners at the international patent offices.This lack of access and understanding results in grant of wrong patents at international level. TKDL thus breaks the languages and format barriers and establishes prior art for the traditional medicinal knowledge existing in the country at international level.

(e): The expenditure incurred on the TKDL project up to December 2008 is Rs. 721.23 lakh.