

The Integration of Traditional Knowledge with Intellectual Property Rights: A Path to a More Inclusive Legal System

Dr. Debadrita Basu

Assistant Professor, Department of School of Law and Justice
Adamas University, West Bengal, India

Abstract: *This study investigates the safeguarding of traditional knowledge (TK) within the context of Intellectual Property Rights (IPR) in India, with the objective of analysing the historical development of TK, assessing community involvement in fair benefit-sharing, and evaluating the function of regulatory authorities in protecting TK under current legal frameworks. Utilising a document analysis methodology, the study conducted a critical examination of national statutes—including the Patents Act, 1970; the Biological Diversity Act, 2002; and the Geographical Indications of Goods Act, 1999—as well as judicial decisions, regulatory guidelines, and international instruments such as the Convention on Biological Diversity (1992) and the Nagoya Protocol (2010). The findings show that even while legal frameworks recognise TK and set up ways for benefit-sharing, there are still problems with historical recordkeeping, community involvement, and enforcement by regulatory agencies. The research underscores the need for a comprehensive and inclusive legal framework that amalgamates historical, communal, and regulatory viewpoints to guarantee ethical utilisation, sustainable conservation, and equal advantages for indigenous and local populations.*

Keywords: Traditional Knowledge, Intellectual Property Rights, Community Participation, Equitable Benefit-Sharing, Regulatory Authorities, Biological Diversity Act, Patents Act, Nagoya Protocol, Sui Generis Protection, Indigenous Knowledge

