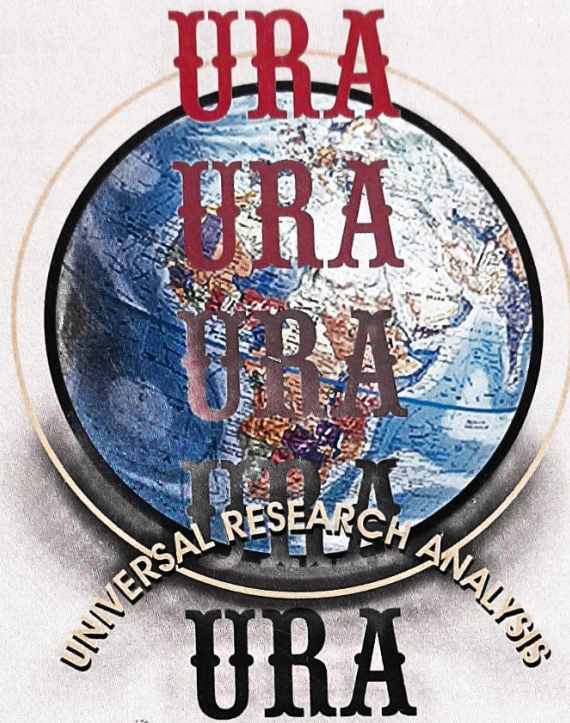


ISSN 2229-4406

International Registered & Recognized
Research Journal Related To Higher Education for all Subjects

UNIVERSAL RESEARCH ANALYSIS



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PRINCIPAL

Late Ramesh Warpudkar (ACS)



Issue : XXI, Vol. V

UNIVERSAL RESEARCH ANALYSIS

IMPACT FACTOR

6.10

ISSN 2229-4406

Sept. 2020 To Feb. 2021

INDEX

Sr. No	Title for Research Paper	Page No
1	Effect of Rare Earth Element Substituents (Pr^{3+} and HO^{3+}) on Structural Parameters of Cobalt Ferrites, Synthesized by SolGel -Auto-combustion Method A. M. Pachpinde, M.M. Langade, K.S. Lohar	1
2	The Concept of Traditional Knowledge and Intellectual Property Rights Ashok D. Chavan	7
3	Current Trends in HRM Sushen Narayam Maind	10
4	Employee Attrition: Biggest Challenge For 21 st Century Organizations Gajendra S. Washnik	14
5	A study of personal and social experiences of Mahatma Gandhi in My Experiments with Truth Madhuri J. Dhiware	18
6	आदिवासी विमर्श के परिप्रेक्ष्य में : नंदुरबार जिले का आदिवासी समाज एवं उनकी संस्कृति जगदीश छगन वसावे	24
7	नाबार्डची उदिष्टये आणि ग्रामीण विकास : एक अभ्यास डॉ. गिरिष मायी, डॉ. राजेंद्रकुमार आर. गव्हाळे	29
8	नोकरी करणाऱ्या स्त्रियांच्या कुटुंबातील मुलांवर होणारा परिणाम : एक दृष्टीक्षेप माला पुंडलिकराव बारापत्रे	37
9	राष्ट्रसंत तुकडोजी महाराजांच्या साहित्यातील स्त्री डॉ. तुषार चांदवडकर	43
10	भारतीय अणुऊर्जेचा महान अणु उपासक : डॉ. होमी भाभा डॉ. प्रकाश पानतावणे	47
11	यलम समाजाची राजकीय स्थिती डॉ. अनिल रेड्डी	52


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2

The Concept of Traditional Knowledge and Intellectual Property Rights

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Research Paper - Commerce

Introduction :

“Traditional knowledge plays a significant role in industries & economic development programs. Traditional knowledge has been and continues to be an element in the commercialization of natural products, it is currently supplied to commercial interests through databases, academic publications or field collections and it should be paid for in some form. This form will to some extent be dictated by the market, but should also be established in light of the fact that. The market will not reflect the true commercial value of traditional knowledge.”

Objectives:

Objective of this paper is to explain the need of reconsideration of the concept of Traditional Knowledge with reference to Intellectual Property Rights.

Hypothesis:

Hypothesis of the study is that, the concept of Traditional Knowledge need be reconsidered in the light of Intellectual Property Rights with reference to Intellectual Property Laws in India.

Statement & Significance of the Problem:

It is very difficult to define what is traditional knowledge. The vast majority of the knowledge is old in the sense that it has been handed down through the generations, it is continually refined and new knowledge developed, rather as the modern scientific process proceeds by continual incremental improvement rather than by major leaps forward.



One of the speakers at our conference suggested that the term “folklore” be replaced by the more appropriate “expressions of culture” which represents living, functional traditions, rather than souvenirs of the past. Whilst most traditional knowledge and folklore is passed on orally, some of it, such as textile designs and Ayurveda medicinal knowledge, is codified. The groups that hold traditional knowledge are very diverse: individuals, groups or groups of communities may all be custodians. Such communities might be indigenous to the land or descendents of later settlers. The nature of the knowledge is also diverse: it covers, for example, literary, artistic or scientific works, song, dance, medical treatments and practices and agricultural technologies and techniques.

Whilst a number of definitions for traditional knowledge and folklore have been put forward, there is no widely acceptable definition for either of them. It is not only the broad scope of traditional knowledge that has confounded the debate so far. There is also some confusion about exactly what is meant by “protection” and its purpose. It should certainly not be equated directly with the use of the word “protection” in its IP sense. In its report on a series of fact-finding missions, WIPO sought to summarise the concerns of traditional knowledge holders as follows:

Concern about the loss of traditional life styles and of traditional knowledge, and the reluctance of the younger members of the communities to carry forward traditional practices, Concern about the lack of respect for traditional knowledge and holders of traditional knowledge, Concern about the misappropriation of traditional knowledge including use of traditional knowledge without any benefit sharing, or use in a derogatory manner, lack of recognition of the need to preserve and promote the further use of traditional knowledge.

Greaves has defined traditional knowledge as follows -

“Indigenous cultural knowledge has always been an open treasure box for the unfettered appropriation of items of value to Western civilization. While we assiduously protect rights to valuable knowledge among ourselves, indigenous people have never been accorded similar rights over their cultural knowledge. Existing Western intellectual property laws support, promote, and excuse the wholesale, uninvited appropriation of whatever indigenous item strikes our fancy or promises profit, with no obligation or

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expectation to allow the originators of the knowledge a say or a share in the proceeds.”

Traditional people (particularly the indigenous ones) and their knowledge are, however, threatened with destruction. Modest estimates show “that 85 Brazilian Indian groups became extinct in the first half of this century. In the Amazonian region, ... on an average, one Amerind group has disappeared for each year of this century.” The destruction of traditional people and their knowledge is caused by many interrelated and complex factors. They include destruction of ecosystems in search for expanded agricultural lands, deforestation associated with harvesting of timber and other forest products, and appropriation of traditional knowledge with no rewards to the holders of that knowledge.

Conclusion :

Thus, it can be said that, the concept of Traditional Knowledge need be reconsidered in the light of Intellectual Property Rights with reference to Intellectual Property Laws in India.

References :-

1. Ganguli, P. (2000). “Intellectual Property Rights: Imperatives for the Knowledge Industry”, World Patent Information.
2. Ganguli, P. (2000). “Intellectual property rights: mothering innovations to markets”, World Patent Information.
3. Maskus, K. (1998), “The role of intellectual property rights in encouraging foreign direct investment and technology transfer.” Duke Journal of Comparative and International Law 9(1).

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