

Introduction to Intellectual Property and Traditional Medicine

Ms. Fei Jiao (fei.jiao@wipo.int)
Program Officer
Traditional Knowledge Division, WIPO



Overview of Existing Intellectual Property System

- Patent
 - Traditional medicinal knowledge based inventions
 - Pharmaceutical products
 - Mixed herbs
 - An effective component extracted and purified from traditional medicine
 - Processing methods for products
 - New indications of known medicine
- Copyright
 - Books and other works on traditional medicinal knowledge
 - Compilations and databases
- Trademarks and Geographical Indications
 - Products based on traditional medicinal knowledge
- Trade Secret
 - Undisclosed traditional medicinal knowledge



However, there are gaps, so...

■ *Sui generis* regimes

- the Specialist Health Training and Plant Medicine Research Act, 2011 (Act 833) in **Ghana**

- With respect to intellectual property rights, the Act provides that rights pertaining to an invention supported by the Centre are to be determined by agreement between the Centre and the inventor or the employer of the inventor.

■ Customary laws and practices

■ Non-IP tools

- Documentation: databases/registers

WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge



Objectives

- Enhance the efficacy, transparency and quality of the **patent** system with regard to **genetic resources and traditional knowledge associated with genetic resources**
- Prevent **patents** from being granted erroneously

Mechanisms

- Disclosure requirement
- Information systems

WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)

- Developing a sui generis system of Protection of traditional knowledge
- Use of IP principles, values and systems

