

THE ABS
CAPACITY
DEVELOPMENT
INITIATIVE



L'INITIATIVE DE
RENFORCEMENT
DES CAPACITES
POUR L'APA

TK Documentation in the context of ABS

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TK Documentation in the context of ABS



- Definition

- Highlights from Capetown Tk Doc/IP workshop:

1. Examples of TK Documentation from India/Peru/South Africa
2. Introduction of WIPO TK DOC Toolkit, *Tobi Moody, WIPO*

TK DOCUMENTATION



- Refers to the all activities of identification, fixation and classification of ATK aimed at facilitating retrieval from an organized data set. e.g. paper files, digital databases, archives or libraries.
- Is often discussed as an option to guarantee national social, cultural and economic interests (including of indigenous peoples) and a tool to support benefit sharing.

TK Documentation



Documentation may be useful for:

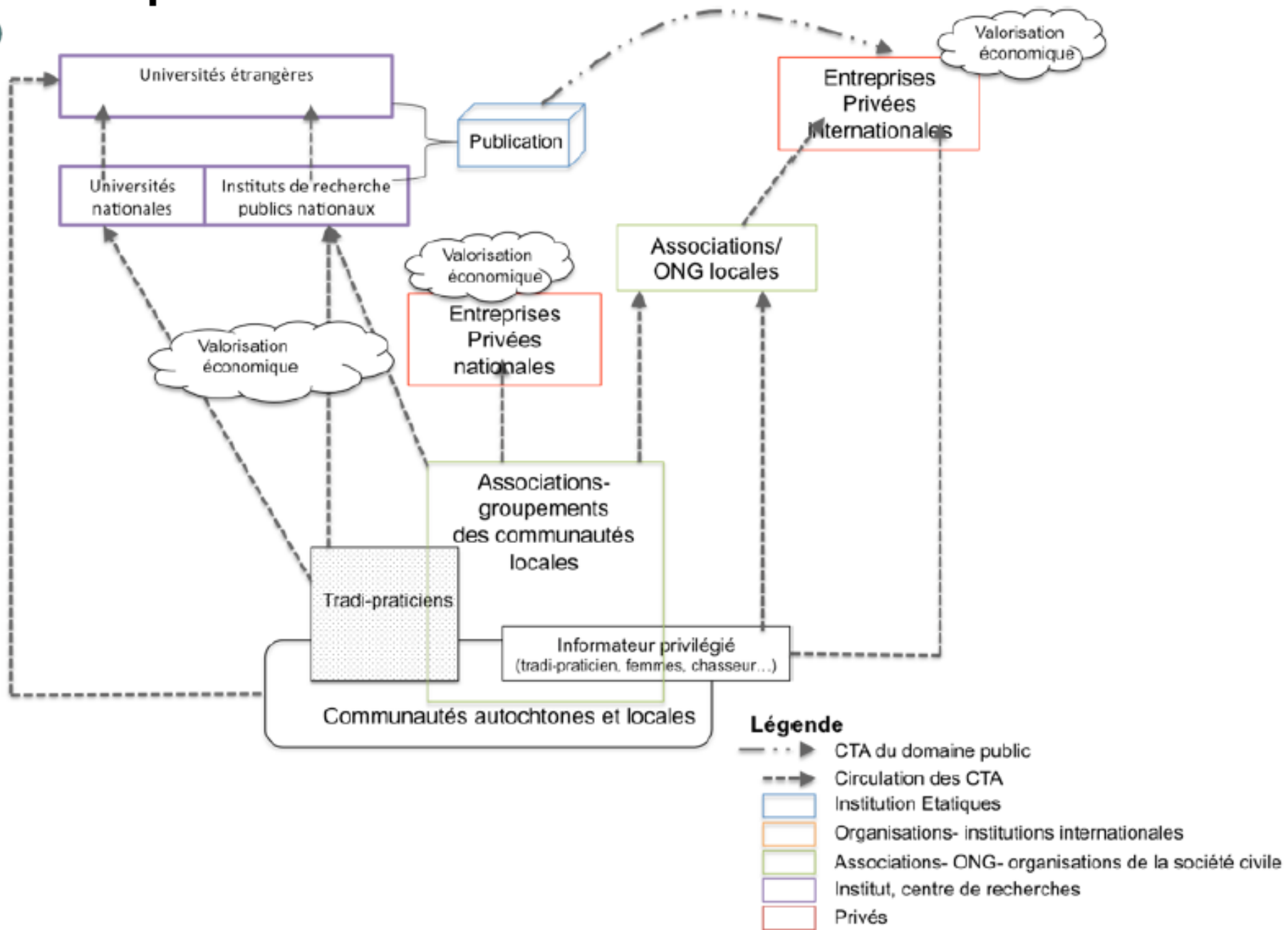
- Safeguarding and preservation for future generations
- Protection of secret and sacred TK
- Research and Development
- Defensive protection of TK
- Establishing positive rights for TK
- Making TK available in a more systemized manner to a larger audience
- Helping in designing BS schemes
- Creating new IP rights through scientific validation of the TK and collaborative research and development.

TK Documentation



- However, concerns and questions remain regarding documentation and its potential effects on the rights, culture and livelihoods of indigenous peoples and local communities, e.g.
 - E.g. placing of ATK in the “[public domain](#)”
 - the loss of control
 - the making of ATK publicly available
 - the loss of the secret nature of some ATK, etc.
- The mere documentation of ATK cannot therefore stand alone as an effective strategy for protecting ATK and, as such, should not take place within a legal and policy vacuum.

Schéma de circulation des CT entre différents types d'acteurs



HOW TO DOCUMENT TK



two different types of documentation

- Defensive Protection – « prior art »
- Positive Protection – PIC MAT

THREE EXAMPLES



Peru

Sui Generis System based on the 2002 law 27811 on the protection of Collective Knowledge of Indigenous Peoples related to Biodiversity

www.indecopi.gob.pe/portalcipi

- Combination of 3 different types of Registers
 1. Confidential National Register: collects and records TK that may NOT be accessed by third parties
 2. Public National Register: collects TK already existing in public domain
 3. Local Registers: created and managed by ILCs

THREE EXAMPLES



India: Traditional Knowledge Digital Library

Defensive Protection approach ensuring there is no illegitimate granting of patents.

nrs.dst.gov.za/nikmas

- TKDL documents in original language and then electronically in languages recognized by international patent offices.
- Very successful as a deterrent to wrong patent application
- Access granted only to Patent Office.
- TK from written traditional works of Ayurveda, Unani, Siddha and Yoga – all in public domain
- Not included: Oral and local TK

THREE EXAMPLES

South Africa National Recordal System

Initiative of the Department of Science and Technology of South Africa to preserve protect and promote TK

- records oral TK in different multimedia forms, local languages, promotion of communitary TK
- Both positive and defensive protection
- Holistic approach on TK
- Online platform
- Access to data under strict rules and monitored continuously
- link to WIPO and WHO classification systems

